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IOWA JOURNAL

OF

HISTORY AND POLITICS

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JOLIET AND MARQUETTE IN IOWA

The first recorded interview between the white man and the Indian, within the limits of the present State of Iowa, was incident to the landing of Joliet and Marquette upon the west bank of the Mississippi on the 25th of June, 1673. The exact locality in which this interview was held has always been a matter of doubt. That the subject is one of some interest is shown by the fact that a number of points have been named as probable sites of the landing of the two explorers upon the occasion in question. Among these may be mentioned Montrose, Sandusky, and the mouth of Lemoiliese Creek or Bloody Run — all in Lee County. Writers have generally agreed upon placing the landing near the mouth of the Des Moines river, but both Shea and Parkman favor some stream further north. It was certainly near to some western tributary of considerable size.

Though Joliet was the nominal head of this memorable expedition, the first to make known the true course of the Mississippi, we owe relatively little of our knowledge regarding it to documents which he has left. Most unfortunately, on his way back to Quebec in the following spring, his canoe was wrecked in the rapids of La Chine just above Montreal, two of his companions being drowned and his box of papers lost. Thus it happens that we owe such knowledge as we have of the details of the expedition to the accounts furnished by Marquette. Marquette's narra-

tive was originally sent to Dablon, the Superior of the Jesuit Missions, at Quebec. Dablon forwarded a copy of it to Paris as a part of his *Relation* of the year 1674. The original seems to have remained in the Jesuit archives at Quebec until about 1800, when it was deposited in the Hôtel Dieu. From this place it was removed in 1842 to St. Mary's College in Montreal. Some years later the manuscript fell into the hands of Dr. John Gilmary Shea, the historian of the Roman Catholic Church in America, who published it in 1853 in his *Discovery of the Mississippi.*

In the *Recueil de Voyage* of Thevenot (1680) Marquette's narrative was published in an abridged form. This form was the one principally used by historians before Dr. Shea secured access to the original document. It is still valuable as supplying a gap in the original, two pages of which have been lost. These pages, however, form a part of the description of the Illinois Indians and are of no especial significance from a geographical standpoint. Thevenot also published a map which he erroneously ascribed to Marquette, but the true author of which is unknown. The genuine map was found in connection with the original MS. in the library of St. Mary's College. Joliet's "earliest" map, probably sketched from memory in 1674, has also been preserved as well as his *Carte Générale* of 1681 *circa*, signed by Franquelin. Franquelin's *Carte de la Louisiana* of 1684 is of interest in this connection, though the original has apparently been lost and we have only the *fac simile* of the MS. copy made by Parkman now in the library of Harvard University. Two other maps by Joliet, known as the "larger" and the "smaller" map, are

also in existence; but, like his "earliest" map, these were probably drawn from memory and are therefore unreliable as to details. Excepting those sources of information furnished by Marquette, little is to be learned from any of the above regarding the particular question at issue. A brief synopsis of Marquette's narrative, including all geographical references, is here given.

It was on the 17th of May, 1673, that Joliet and Marquette, with five companions, embarked at St. Ignace upon the voyage for the discovery of the Mississippi, "fully resolved to do and suffer everything for so glorious an undertaking." Three weeks later, June 10th, having crossed the portage between the Fox river and the Wisconsin, they launched their canoes upon the latter stream and, in the words of Marquette, "left the waters flowing to Quebec.... to float upon those which would conduct us thenceforward to strange lands." On June 17th, just one month after leaving the Mission of St. Ignace, they reached the mouth of the Wisconsin and floated out upon the Mississippi in latitude recorded as 42½ degrees. The high range of bluffs upon the western bank and the broad meadows to the east were noted at once. Soundings gave sixty feet of water, and the width of the stream varied from over two miles to less than a third of a mile. The current bore them to the south and southeast as far as 42 degrees of latitude. Here a marked change in the aspect of the country was observed. The mountains and the forests had almost disappeared, while the islands were more beautiful and covered with finer trees. Deer and moose, bustards and "wingless swans" (*cygnes sans aisles*) were seen in abundance. The great

cat-fish of the Mississippi, the sturgeon, the curious and now rare spade-fish, and the wild cat were also noted. Having reached latitude 41° 28′, following the same general course, turkeys were observed to take the place of game and bison (*pisikious*) appeared. Advancing to the south and south southwest they found themselves at latitude 41 degrees and then at "40 degrees and some minutes, partly by southeast and partly by southwest, after having advanced more than sixty leagues since entering the river, without discovering anything."

"Finally on the 25th of June," continues the narrative, "we saw upon the water's edge, human foot prints and a well beaten foot path leading to a beautiful prairie. We stopped to examine it and concluding that it was a road which conducted to some native village, we resolved to go and reconnoitre.....M. Joliet and myself undertook this discovery, rather hazardous for only two men, who thus put themselves at the mercy of a barbarous and unknown people. In silence we followed this foot path and after having made about two leagues, we discovered a village upon the bank of a river and two others upon a slope distant half a league from the first."

The incidents and experiences of the journey do not concern us. It is sufficient to note that the villages mentioned were occupied by Illinois Indians whose more permanent abode was upon the borders of the Illinois river. It is only from the map that we know this meeting to have taken place to the west, rather than to the east, of the Mississippi. The name of the group of villages, as there given, is *Peourea;* while *Moingouena* appears at no great distance.

The first of these names survives as Peoria while the second has been corrupted into Des Moines. The account of the ovation given the explorers here covers only the day of landing and the day following. Nevertheless, after devoting some pages of his journal to the description of the Illinois Indians, their manners and their customs, Marquette resumes his narrative thus: "We took leave of our Illinois on the last of June toward three o'clock in the afternoon."

Their adventures as far down as the mouth of the Missouri are next described. Regarding this latter stream the narrative says ". sailing gently along a beautiful water, clear and still, we heard the noise of a rapid into which we were about to fall. I have never seen anything more frightful,—masses, made up of whole trees and of branches, floating like islands out of the mouth of the *Pekitanoui*[1] with such force that we could not without great danger run the risk of passing across. The tumult was such that the water was muddy and could not become clear. Pekitanoui is a great river which, coming from the far northwest, empties into the Mississippi." This can refer to none other than the Missouri, the name here given meaning in Algonquin "muddy water." Neither the latitude of the mouth of the Pekitanoui nor its distance from any point already passed is noted, though the river is entered upon the map with the names of several villages situated along its course.

After indulging in some interesting speculation as to how the South Sea might be reached by the Missouri, Marquette

[1]Upon the map the spelling is *Pekittanoui*.

resumes: "After making about twenty leagues due south and somewhat less to the southeast, we come to a river named *Ouaboukigou*, the mouth of which is in latitude 36 degrees." Upon the map the name of this river appears as *Ouabouskigou*, that is, Wabash. It is, of course, the Ohio. Later in the narrative, after giving an account of experiences and observations beyond the mouth of the Ohio, he says: "We had descended nearly to the 33d degree of latitude, going for the most part to the south, when we saw upon the water's edge a village called *Mitchigamea.*"[1] This seems to have been the village of a warrior tribe of the same name living near the mouth of the St. Francis river. Here the natives were disposed to be hostile, though the peace calumet was displayed to good effect. At last one old man was found with whom Marquette could converse. They could get no other answer to their anxious inquiry regarding the distance to the sea than that they would learn all that they desired to know at the great village of *Akamsea*[2] (Arkansas), eight or ten leagues further down the river. The night was spent with the Mitchigameas. Next morning the explorers re-embarked and were soon at Akamsea, where they were received with unusual cordiality. This was the end of the journey southward. The latitude, that of the mouth of the Arkansas, is correctly given as 33° 40′, the only latitude correctly determined and recorded in the course of the whole voyage — with one or two possible exceptions, depending upon the interpretation given to the earlier portions of the narrative.

[1] This appears as *Metchigamea* upon the map.

[2] *Akansea*, as entered upon the map.

The little party turned northward on the 17th of July, just one month after having entered the river, and the tiresome ascent was begun. Reaching the mouth of the Illinois river, the latitude of which is given as 38 degrees, they entered that stream, ascended it, passed the portage between the Desplaines and the Chicago rivers and launched their canoes upon Lake Michigan. Late in September they reached the Jesuit Mission of St. Francois Xavier, situated near the head of Green Bay. They had left this mission four months previously and had traveled in the meantime upwards of three thousand miles.

Marquette's narrative, just cited, is so vague with reference to topographical details and so inconsistent with respect to geographical positions that little dependence can be placed upon it, except when taken in connection with the accompanying map. This last will be made the subject of somewhat careful examination, its genuineness being assumed as thoroughly established.

We have to note in the first instance that the latitudes as given upon Marquette's map are in error, all being about one degree too far south, except *Akansea*, the southernmost point reached, which is correctly placed at 33° 40′. Herewith is presented a carefully prepared copy (See Fig. 1) of a portion of Dr. Shea's *fac simile* of the original, much reduced. The parallels of latitude are as indicated by the marginal figures in the original, while the meridians of longitude are separated by intervals obtained by multiplying the average latitude interval of one degree by the cosine of 40 degrees, the "middle latitude"—in accordance with a well known mathematical principle. The meridian of 91 degrees

has been placed near to the mouth of the Wisconsin, its true position. On the right hand margin of the map Marquette's latitudes are indicated. On the left these latitudes have been increased by one degree; so that, if read from this margin, Marquette's map has been lifted bodily one degree in latitude. The dotted sketch on the left of the map represents the true course of the Mississippi and, presumably, those tributaries which are noted by Marquette. The longitudes along the lower margin, to the left, refer to this dotted sketch only. A comparison of Marquette's river with the true course of the Mississippi shows that his plot is a marvelously accurate one, as far down as the mouth of the Ohio. Inasmuch as means of determining longitude by portable instruments were not available in Marquette's day, we can only explain the accuracy with which his longitudes are plotted by supposing that careful note was taken, at least until the latter part of the voyage down stream, of distances and courses sailed. Otherwise, it is impossible to explain the close conformity exhibited by the accompanying illustration.

This discrepancy of one degree in Marquette's latitudes would seem to demand explanation. Let it be noted that the complete map includes a large portion of Lake Superior, St. Mary's river and the straits of Mackinac, regions well known to Marquette and the other Jesuit missionaries of the time. Accompanying the *Jesuit Relation* of 1670–1, prepared by Dablon, is a map of this upper lake region entitled, *Lac Supérieur et autres lieux où sont les Missions des Pères de la Compagnie de Jésus comprises sous le nom d'Outaouacs.* Without doubt Marquette was familiar with

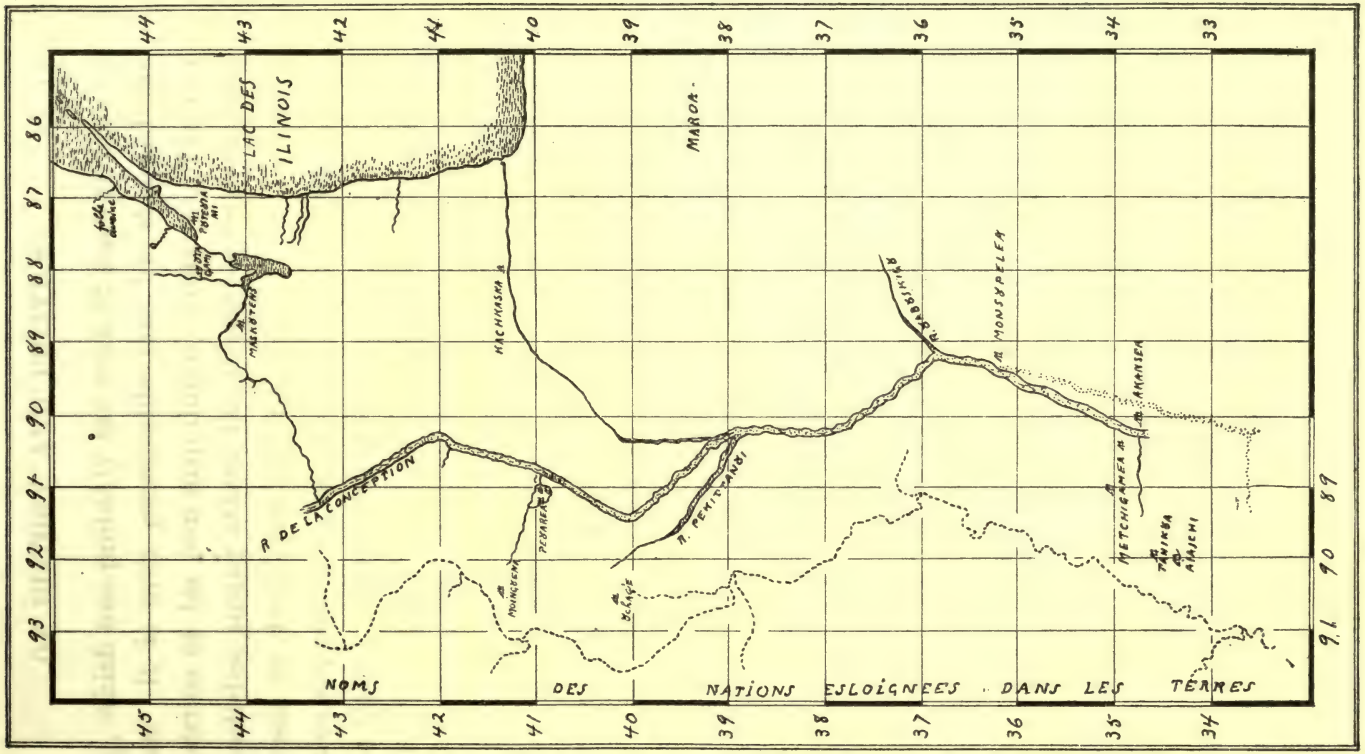


FIG. 1. Marquette's Map, copied from the *fac simile* of the original published in Shea's *Discovery of the Mississippi*, 1853. The upper portion of the map, including a large part of Lake Superior, is omitted. The latitudes on the right hand margin are those of Marquette. The dotted sketch on the left represents the true course of the Mississippi, the corresponding latitudes and longitudes being given along the left hand and the lower margin respectively. To Marquette's plot of the river the suggested extension to the south is added to indicate the way in which the plot might have been completed but for the correct determination of latitude made at *Akansea*.

this map, which was probably the work of some of his own associates. It is even conceivable that he sketched the upper portion of his own map directly from it. The fact that it includes, among others, the altogether irrelevant entry, *Chemin au Assinipoualak à 120 lieus vers le Nordouest*, which also appears upon the map of 1670–1, seems to confirm this theory. Now upon this map of 1670–1 the latitudes of *Mission du St. Esprit*, of *Mission de Ste. Marie*, of *St. Ignace* and of the Pottawattomie village at the head of Green Bay, near to the Mission of St. Francois Xavier, are exactly as recorded upon Marquette's map. Whether the mistake is due to the defective astrolabe of some Jesuit geographer, or to some other cause, does not concern us. The error is evidently reproduced in the upper portions of Marquette's map and, supposing that his map was plotted by "dead reckoning," would naturally be propagated far down the Mississippi.

Certain it is that the latitudes upon the map do not agree with those given in the narrative. Moreover, those paragraphs describing the voyage from the time at which the explorers entered the Mississippi up to the time of landing near Peouarea are utterly irreconcilable, so far as the latitudes and directions are concerned, with the true course of the Mississippi. Neither is it possible to interpret them at all satisfactorily upon the assumption that some of the latitudes were correctly given by Joliet while others are of Marquette's own determination.

While the journal does not specifically state that the latitude vaguely given as "40 degrees and some minutes" is that of Peouarea, it is evident from the map that this is to

be understood. The estimated distance traversed since entering the Mississippi — over sixty leagues — is as indefinite as the estimate itself is uncertain. If twenty leagues be counted to the degree, in nautical fashion, the distance is above 207 statute miles. This would indicate as the place of landing some point on the river near Port Louisa in Louisa County.[1] The latitude of this point is about 41° 12′, which is something over a degree greater than that of Peouarea as given by Marquette's map and nearly the same amount greater than that inferred from the narrative. The stream entering here from the west, as shown in the sketch of the true course of the Mississippi, is the Iowa river.

The same error of one degree in latitude appears upon Marquette's map in the location of the broad curve between Keokuk and Quincy, by which the course of the Mississippi changes from southwest to southeast. The mouths of the Illinois, the Missouri, and the Ohio rivers are also plotted, each one degree south of its true position. Finally, the latitude of Mitchigamea is given in the narrative as 33 degrees; while that of the southernmost point reached, Akamsea, "eight or ten leagues" below, is correctly recorded as 33° 40′. This last station is set down in its true position upon the map, as is also Mitchigamea, thus shortening the river stretch between the mouths of the Ohio and the Arkansas by about one degree.

Whether Marquette's erroneous latitudes were kept by "dead reckoning" or determined with a defective instru-

[1] The distance by the river from Prairie du Chien, about three miles above the mouth of the Wisconsin, to Port Louisa is given by the managers of the Diamond Jo Steamboat Line as 212 miles.

ment (probably an astrolabe), possibly the same instrument that had been used by his Jesuit brethren in observing the latitudes upon the Upper Lakes, is immaterial. The uniformity of the error throughout the whole course of the voyage, even down to the last recorded position, would indicate the use of an instrument whose readings were subject to some constant error.[1] In any case such correct positions as are recorded in the narrative may have been determined by Joliet, whose skill in such matters does not admit of doubt.[2]

Whatever may be the true explanation of the latitude errors of Marquette's chart nothing can more clearly prove that it is an actual plot, made during the course of the voyage, than the manner in which he abridges the last stretch of the river and ends its course abruptly at latitude 33° 40′. There is no speculation as to its course either below that point, or above the point at which the stream was first entered. Whatever discrepancies may have found their way into his narrative as a result, it may be, of "comparing notes" with Joliet, Marquette's chart is genuine, consistent, and honest. In the accompanying diagram (See Fig. 2) the comparison of the latitudes of all identifiable stations, as

[1] While speculation in such matters is, of course, quite useless, it may be noted that such an error as that with which we have to deal may be accounted for by supposing that the "loop," by which the astrolabe is hung from the thumb of either hand when in use, may have been broken off at some time and carelessly repaired. The error might have been eliminated by holding the instrument first with one hand and then with the other.

[2] Joliet was for many years of his subsequent life the chief hydrographic officer of New France.

given on Marquette's map, with their true latitudes, as taken from a modern chart, is rendered simple and easy. It is evident at a glance that the river at whose mouth Marquette locates Peouarea can correspond with no other considerable stream than the Iowa. Attention should also be called, perhaps, to the southern "dip" of the Iowa, on the one hand, and of the stream indicated by Marquette on the other.

One of the principal grounds for locating the Illinois villages in question at the mouth of the Des Moines river seems to be the fact that the name *Moingouena* appears upon Marquette's map not far from *Peouarea*. While it is highly probable, if not quite certain, that *Moingouena* was gallicized into *Des Moines*, it is by no means clear that Marquette's *Moingouena* was meant to be placed upon the same stream as Peouarea. It appears, rather, at some vague distance across country among the "*Noms de Nations esloignèes dans les Terres.*" Inasmuch as Marquette mentions only three villages in his narrative, all of which are represented at Peouarea by the conventionalized *tepees* used throughout the map to indicate Indian villages, it is probable that he knew of Moingouena only by hearsay, just as was the case with numerous other villages whose positions he took some pains to record. This tribe may therefore have been located, even at this time, upon the banks of the river which still bears its name.

Though the maps of the Mississippi sketched by Joliet, probably wholly from memory, cannot be relied upon in detail it is interesting to note that upon the "larger" and "smaller" maps not a single western tributary to the Mis-

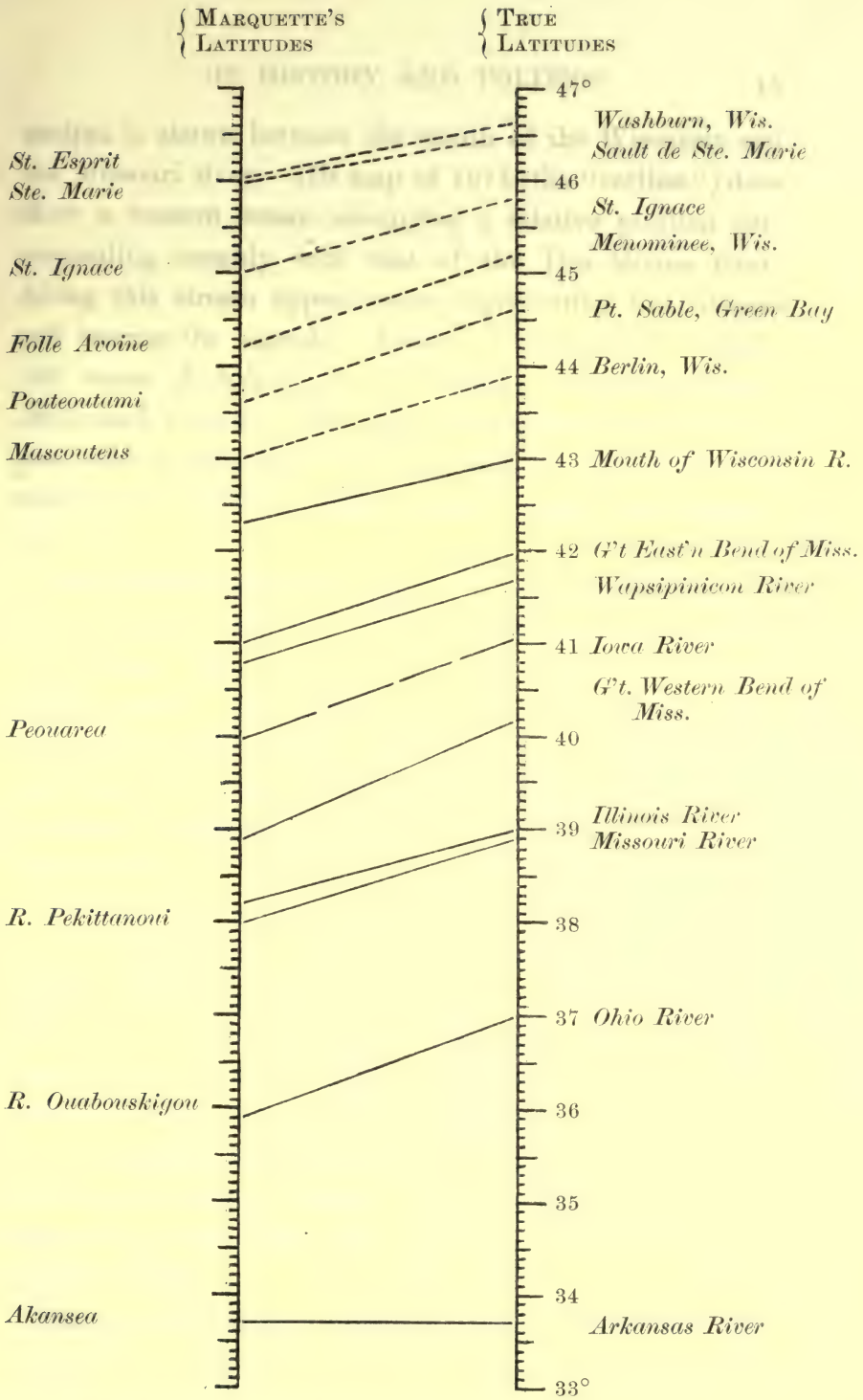


FIG. 2. A diagramatic comparison of Marquette's latitudes with the true latitudes of all identifiable stations shown upon his map. The dotted lines refer to stations other than those along the Mississippi, some of which do not appear in Fig. 1. The interrupted line is drawn from *Peouarea* upon the assumption that the stream indicated at this point upon Marquette's map is the Iowa river.

sissippi is shown between the mouth of the Wisconsin and the Missouri river. His map of 1674 (the "earliest") does show a western stream occupying a relative position corresponding roughly with that of the Des Moines river. Along this stream appear *tepees* representing five villages and bearing the legends: *Illinois Peouarea 300 Cabanes 180 canots de bois de 50 pieds de long*, *Atontanka*, *Pana*, *Maha* and *Paoutet*. The name Moingouena does not appear, and is only remotely suggested by *Minongio*, the westernmost of five villages ranged along the Missouri river.

Franquelin's *Carte de Louisiana* (1684) places *Moingoana* upon a western tributary which we may assume to be the Des Moines while *Peouereo* is at the mouth of a stream further north. This latter stream, however, corresponds more nearly with the Wapsipinicon than with the Iowa; since, between its mouth and that of the Des Moines (?), the Kickapoo, now known as Rock river, enters the Mississippi from the east.

It must be borne in mind, in any case, that Iowa was not the permanent abode of either the Peouarea or the Moingouena Indians, and it is by no means certain that either tribe, in its frequent sojourns to the country across the Mississippi, always resorted to the same western tributary. It does not follow, therefore, that the location by Marquette of the Peouareas and the Moingouenas upon the same stream in 1673, even if he so intended, gives any indication that the stream in question is the one which today bears the name of the latter tribe.

There is no evidence whatever, then, to show that the

stream at whose mouth Marquette places Peouarea is other than that indicated by a careful study of his chart, viz., the Iowa river. This being the case Louisa County, not Lee County, must henceforth be regarded as including within its limits the scene of the opening incident in the history of our Commonwealth.

LAENAS GIFFORD WELD

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THE POLITICAL VALUE OF STATE CONSTITUTIONAL HISTORY

The organic laws of the states comprising the American Union illustrate the principles of political evolution. Their elements are the elements which lie at the foundation of civil society or the social organism, as that organism is understood in all countries in which men are citizens of a state—not subjects in an empire.

It is always difficult to fix political values: it is even more difficult to agree upon them after the choice of elements has been made. The political value of state constitutional history will be measured according to the importance attached to the elements which comprise that history. An enumeration of a few of the principal elements will clear the way for a just estimate of the value of a knowledge of the courses and character of the civil evolution of the commonwealths.

The form of the state, as that term is understood in America, has remained apparently unchanged from the beginning of our state history. Now as then the functions of the state are classified as legislative, executive, and judicial. Now as then the three sets of functions are approximately separate and severally independent. Now as then the public business is conducted according to general provisions plainly set forth in written constitutions. But the idea, the concept of the state has changed. The first state con-

stitutions, made amidst the turmoil of the Revolution, differ notably from the last, made amidst the stress of racial and industrial agitation. Yet, throughout the history of the states, a few civil elements have been the factors in debate, in reform, and in social evolution. They are principally these: (1) Representation. (2) The suffrage. (3) Corporations. (4) The relation and definition, severally, of legislative, executive, and judicial powers. (5) The direct participation of the electors in the government of the state, that is, in the direction and control of the public business. (6) The gradual definition of inter-state and federal relations.

The constitutional history of the American people is largely the history of these elements. Congress, the President, and the Federal Judiciary are not the only elements in our political evolution. It requires little reflection to satisfy the claim that the state governments are closer to the people than is the federal government. Hamilton pointed this out in the *Federalist*, and it is confirmed by the experience of more than a century.

Representation in the federal government is by states, though it is not regulated by them. The President is chosen not by the popular vote alone, but by the electoral vote of the states.

A senator of the United States, or a representative in Congress, is an elector in the state which he represents. The people in a congressional district would not elect a representative who was not a resident of the district; a state legislature would not choose as a senator of the United States a non-resident of the state. The dominant idea of

local representation runs through American political institutions—a contrast at this point to the British constitution. An English constituency may elect a non-resident as its representative in the House of Commons. The practice in America would not tolerate this. At no time has constitutional reform in this country hinted at the adoption of the English practice. On the contrary, every change in the form and basis of representation in America has intensified and strengthened the spirit of local representation. In the first state constitutions (those in force during the 18th century—and they were twenty-seven in number) the chief object sought in the provisions on representation was a full and complete representation of the people in local communities—towns or townships, in the northern states; counties and cities, in the southern; and the basis was, not the number of voters, but the number of communities. The locality or settlement was in the mind of the framers of these early organic laws when they provided for choosing the legislative body. Equality in representation was supposed to consist in allowing each town or township, or county one member because of its communal character. The number of representatives greater than one apportioned to a community was regulated by population. This early arrangement has been modified but never radically changed. The struggle for proportional representation, (illustrated in the constitution of Ohio of 1851, of Illinois, 1870, of Pennsylvania, 1873,) the record of which is preserved in the convention debates, gives no intimation of a desire to change the principle of local representation. But these debates, and others in other states at divers times, plainly show the strong entrench-

ment of the local element in our system of representation. This element lies deep in our civil foundation, and our political institutions cannot be made intelligible without a clear understanding of it.

The expression of this local element has been the subject of political agitation and constitutional reform from an early day in our national history. Down to 1820 the basis of representation was property, not persons. The concept of the state was that of a conserver of property. In the Massachusetts constitutional convention of 1820 the property basis was defended by John Adams, Joseph Story, and Daniel Webster with arguments which carried the day. The basis of persons was defended by Levi Lincoln in an argument which proved prophetic. Madison and Marshall and Monroe defended the property basis in the Virginia convention of 1829; and the idea that, as Webster expressed it, "the true basis of government is property," again prevailed. At this time there were more than 80,000 white men in Virginia whom poverty — and poverty alone — disfranchised. As late as 1835 Congress prescribed a property qualification for voters in new territories. The struggle to abolish the property basis culminated at the time Michigan (1837), Iowa (1846), and Wisconsin (1848) were admitted into the Union. The debates in the several conventions which framed the first constitutions of these states record the triumph of persons over property as the true basis of government. This reform was economic and incident to the necessities of free labor and pioneer conditions.

Until well down to the year 1840, property qualifications

in some form limited the number of voters in the states. But the struggle for a human basis for government, fought for half a century and more in the states, in no way affected the dominating idea of local representation. To secure this, many reforms and much agitation were preliminary. Rural and urban districts contended for the control of the state, and the constitutions from 1800 until the present time are witnesses to the intensity of the contest. The rural districts invariably have won, as exemplified in the New York constitution of 1894, and the Pennsylvania constitution of 1873. The Mississippi instrument of 1890 may be studied as an effort to secure the equities of representation by subdividing the state permanently into great sections, each composed of counties, and apportioning a fixed number of representatives to each section.

But every state constitution thus far adopted — and the aggregate is one hundred and fifteen — affords material for the study of this difficult problem, the violent solution of which is the gerrymander. As yet, the complete solution of the problem seems a great way off. The presence of two races has made the solution difficult in the southern states. In 1865 the "restoration" conventions, of which that of South Carolina was a type, excluded the African race from the basis of representation; and largely because of this exclusion Congress rejected these constitutions and passed the reconstructive acts. Before these acts only white persons had been electors, save in five states; and in two of these (North Carolina and Tennessee) negroes were eliminated from the voting population as early as 1835–6. As late as 1867, Ohio, Michigan, Nebraska, and New York by reject-

ing proposed constitutional provisions, refused to place the negro on a political plane with the white man. The partial elimination of the negro from the body of voters in Mississippi in 1890; in South Carolina in 1895; in Louisiana in 1898; and in Virginia in 1902 — called by some "the nullification of the fifteenth amendment"—is a phase of more recent civil evolution strictly in harmony with the practice of all save four of the states before the war. To understand this partial and notable return to the "white man's government of the fathers" one must study the debates in the conventions. Whether or not we are in sympathy with recent constitutions which exclude negroes from the suffrage, it is from these constitutions that a political change dates which is likely to overspread the former slave-holding states. It is notable that no state in its recent attempt at a solution of the race problem has excluded the negro from the basis of representation. Thus far Congress in taking no action in the matter has adhered to the principle that the suffrage is wholly within the control of the several states. In 1868 Congress reconstructed the South because, *inter alia*, it excluded the negro from the basis of representation. Will it ever attempt to reconstruct a state because it excludes the negro from voting because he is a negro? The recent constitutional history of the southern states in time of peace is a partial answer to this question.

Representation and the suffrage are inseparable elements in constitutional government; but the extent, the quality, and the completeness of the one, and the right to exercise the other are determined by the people of a state themselves. At least this is the American practice.

The history of the suffrage in America is recorded in the organic laws of the states. Congress has prescribed the qualifications of the voters in territories. For a short time, and for a particular purpose, Congress prescribed the electoral qualifications in ten of the southern states by the reconstruction acts. This is the only instance of congressional interference with such qualifications in a state; and the interference was defended as a necessary exercise of the war powers in order to protect the negro race and to establish loyal governments in these states.

All the judicial decisions support the proposition that each state has the exclusive right to regulate the suffrage within its borders, subject only to the constitution of the United States.

No man can follow the career of the political parties in America intelligently unless he familiarize himself with the agitators for reforms and the changes in the organic laws of the states respecting the suffrage. These laws of the eighteenth century restricted the suffrage to white males of the age of twenty-one or more, who had resided in the district, town, or state (six months to a year); who possessed real estate (of the value of £10 to £50); and who professed a religious belief as prescribed by law. By the letter of the law a few negroes might vote in ten states—New Hampshire, Vermont, Massachusetts, New York, New Jersey, North Carolina, Tennessee, Rhode Island, Connecticut, and Pennsylvania. Women voted for thirty years under the first constitution of New Jersey. Women suffrage was, however, an accident arising from a broad construction of the word "inhabitants;" and the New Jersey act of 1807 put an end

to the privilege. Negro suffrage, until the era of reconstruction and the adoption of the fifteenth amendment in 1870, was not a characteristic of American institutions. At the time of the adoption of this amendment the Union consisted of thirty-seven states. In the constitutions of thirty-one of these the elector was described as a white man. Five New England States and Kansas, "the child of New England in the West," omitted the discriminating word. The use of this word as descriptive of the elector in the organic laws of nearly all the states, until thirty years ago and less, suggests how deeply imbedded in the public mind was hostility to negro suffrage. At the present time the word white remains in the constitutions of Michigan, Ohio, Oregon, Nevada, and Maryland; and though meaningless, by the fifteenth amendment, it is a suggestive vestige of the dominant thought of past generations. The altruism of wartime conferred the suffrage on the negro. In 1890 Mississippi disfranchised many negroes by requiring a poll-tax and an educational qualification in the nature of an "understanding clause," which is administered by a political party. South Carolina followed in 1895; Louisiana in 1898; Alabama in 1901; and Virginia in 1902. South Carolina excluded many negroes by an elaborate registration provision; Louisiana and Virginia, by a "grandfather clause."

The precedent of negro suffrage limitation thus revived recalls the practice of the republic during the first century of its history. It suggests that even the cataclysm of war, though it may displace, cannot destroy the basis of political connections. It suggests that racial differences cannot be eliminated by verbal amendments of a national constitution.

The political value of state constitutional history is here exemplified and may be hinted at. To understand the recent action of some southern states, in the regulation of the suffrage, one must know their economic and social condition, the course of their civil development, and the traditions and precedents which have dominated their organic laws.

One must remember that hostility to the negro, whether as a political factor or merely as a being present in a state, has been at some time characteristic of nearly every state in the Union. California was hostile to him in 1849 and Oregon more hostile ten years later. Even liberal Iowa, in 1844, declared that it could "never consent to open the doors of our beautiful state and invite him to settle our lands. — The ballot box would fall into his hands and a train of evils would follow that would be incalculable. — There are strong reasons to induce the belief that the two races could not exist in the same goverment upon an equality without discord and violence," &c., &c. Similar language may be found in the constitutional records of other northern states — notably Pennsylvania, Ohio, Michigan, Illinois, and Wisconsin. And yet in no one of these states has the negro population at any time been sufficient to constitute a determining factor in any public question. Public sentiment was hostile to the race in these states. Would it now be hostile if the two races, whites and negroes, divided the population of these States as in Virginia, South Carolina, or Louisiana?

In recent years public opinion at the North has given little evidence of anxious care for the political fate of the

negro. Eminent writers now boldly pronounce "Reconstruction" a failure, and by Reconstruction is understood, primarily, the extension of the suffrage to the negro. One who knows the constitutional history of the states, who recalls the record which the people have made in the commonwealths respecting the two races, is tempted to imagine whether the twentieth century may not witness such a revolution of the political elements in America as will, perhaps under a changed name, restore "white supremacy" according to the old precedents and place the negro race, with notable individual exceptions, in a condition of civil freedom, but of strictly limited political privilege. And he is further tempted to inquire, basing his inquiry not only on the constitutional history of the states, but also on the history of nations, whether the explanation of this conduct will not lie in that racial antagonism, prejudice, and antipathy, evidence of the existence of which is cumulative from the dawn of history.

The course of nature may perhaps for a time be modified by man, but the elements reassert their power; the breach is healed; the chasm bridged; the dislocation adjusted. The organic laws of the states illustrate a civil evolution which goes on in spite of the vagaries of men. "Things," says Emerson, "refuse to be mismanaged long." The political organism as disclosed from time to time by the necessary provisions of law show how firmly seated are the distinctions which, drawn however rudely, are recognized in the organic law. The political value of the study of this law consists in the interpretation of social and industrial conditions; and each interpretation, made as it may be after large considera-

tion or amidst the turmoil of civil war, can be little more than an experiment, an attempt to realize the purposes of society as they are understood by discerning men.

The extension of the suffrage to the negro was the most remarkable civil phenomenon of the nineteenth century in America. It is supposed by many to have occurred solely through the agency of the federal government. Some of the states of the former slaveholding group abolished slavery before Congress proposed the present thirteenth amendment; but a majority of the southern states were brought into approval of negro suffrage only by the coercion of the reconstruction acts.

New York, New Jersey, Ohio, California, and Oregon, together with Delaware, Maryland, Kentucky, and Tennessee were, in the aggregate, hostile to negro suffrage when the fourteenth and fifteenth amendments were before the people, though the first three named ultimately ratified. The discussion of negro suffrage by state constitutional conventions, while Congress was discussing the subject, show that the extension to the negro of the right to vote was a war measure, like the emancipation proclamation, and was not made in confidence that the negro was capable of exercising the right or that his exercise of it would remove racial prejudice. In brief, the debates in the state constitutional conventions anticipated the public thought of the present time on this subject with keener insight than did the debates in Congress. Few students of American institutions seem to be aware of this, and the opinions of the political leaders in Congress from 1860 to 1870 have been exploited as the dominant thought of the people. For instance, the discus-

sion of the negro question in the Mississippi constitutional convention of 1865 should be read in connection with that in the convention of 1890; the discussion in South Carolina in the convention of 1865, with that in the convention of thirty years later; and the discussion in Louisiana in 1864, with that of 1898. A yet more comprehensive knowledge of the race question may be had by reading the Kentucky debates of 1849 in connection with those of 1891, and the California debates of 1849 with those of 1879. Nor will the study be complete without an examination of the discussion made in the New York conventions of 1821, 1846, and notably of 1867–8.

Other states and many other constitutional conventions might be cited, from which might be gathered the opinions of various groups of people concerning the negro. To one familiar with the history of the suffrage as it is disclosed by the organic laws of the states since 1776, the present apathy of the American people to the exclusion of the negro from exercising the right to vote seems in strict harmony with the precedents, traditions, the constitutions and laws approved again and again in all parts of the Union down to the time of the Civil War.

I have gone at length into this phase of the subject because it illustrates clearly the force of habit in political thought and the ultimate supremacy of inherited notions over political convictions suddenly formed as in war time. The pendulum of politics ever tends to its normal swing. Over against this tendency to reversion to long established ideas must be measured the mighty force of moral sentiments as set forth, however radically at times, by reformers. These

sentiments, emanating from whatever source — as the teachings of religion, the dicta of philosophers, or the convictions of national experience — are the imponderable forces in political affairs. They frequently out-weigh tradition and precedent; and the arguments heard in Congress and in conventions, and in times of profound moral awakening, transform a people and lift them to a higher level. It is necessary, therefore, while attempting to translate the organic laws of the states into political wisdom, to keep ever in mind the moral aspects of national life. Because, at present, the American nation is reversing its late practice of extending the suffrage to the negro, it does not follow that for every denial of justice, justice shall be denied.

The exercise of the suffrage is a privilege, not a right. Racial discrimination is a mixed problem of right and expediency; and it is such a problem which the people of the states have been attempting to solve now for more than a century.

The political value of state constitutional history lies largely in the range of a man's thoughts. It might seem, if the history of the suffrage be taken as an illustration, that without a familiar knowledge of the organic laws of the states and of the conditions prevailing at the time of their formation, no one can hope to understand the present aspect of great public questions.

Webster's Plymouth oration of December 22, 1820, contains a long and notable discussion of "property, the basis of government," which was first spoken by him in the Massachusetts convention a few weeks before. It remains the ablest defense of the old order of things. The exten-

sions of the basis of representation, which constitutes one of the reforms of the first half of the nineteenth century, swept away religious and property qualifications for voting and further emphasized the spirit of individualism—personal liberty and independence—which have always characterized American political institutions. This spirit early demanded the extension of the suffrage to women. The agitation began in New York in 1845, and within five years overspread New England and Ohio. As yet, however, woman suffrage was in the stage of mere debate. That debate has never been abler than in the New York convention of 1846, in the Ohio of 1851, and in the Massachusetts of 1853. In practical politics reforms or striking changes are made ofttimes many years after the reasons for them have been most ably marshaled in debate. It was so with woman suffrage. Not until 1889 did a state (Wyoming) extend to woman the same civil and political privileges which are extended to men; but the convention debates in Wyoming fail to record any notable or even final discussion of the subject. That had been made more than forty years before. It is to the speech of George William Curtis in the New York convention of 1846 that one must turn for the classical defense of woman suffrage. At the time of its utterance it provoked only derision—scarcely less derision than did Horace Greeley's support of the same cause in the convention. In 1896 one of the presidential electors in Wyoming was a woman. The propagandists of 1846 dreamed of a smaller triumph. Their triumph has been respectable even politically. No fewer than eighteen states allow women to hold offices (usually educational), and in nine states she

may vote. This innovation in government is strictly an affair of the states. Its social aspects and its economic significance can be understood only by the study of the constitutional history of the states. Nor has the innovation been "merely a political disease in some of the northern states." The change has affected public sentiment at the South. Louisiana and Tennessee elect women to school offices, but no southern state allows a woman to vote. The reason for the denial may be found in the debates in Mississippi in 1890, and in Kentucky in 1891. In these, as in other southern states, the woman suffrage movement encountered social obstacles. "The ballot-box will humiliate woman," "will unsex her," was the objection in Mississippi; and the objection was sustained there and elsewhere in the South.

He who would understand the woman suffrage movement must turn to the constitutional history of the states. He will discover that the extension to women of the right to vote in a group of northern states from the Mississippi to Oregon, and its denial commonly at the South are due, primarily, to different economic conditions. The extent of the innovation indicates, in several terms, the degree to which women have shared the industrial responsibilities of men and also the political means of regulating them.

About the time when religious and property qualifications were disappearing an agitation for the establishing of state banks swept the country. It culminated in the crash of 1837. That rude awakening set the fans of reformers in a new direction, and the cry arose for the control of corporations. That cry is still heard. Again, one must turn to

the constitutional history of the states if he would understand the source and the course of one of the epoch-making agitations in American life. Stripped of non-essentials, the attempt during the early thirties was to utilize the power of the state for the purpose of supplying the people with banking facilities. Very quickly the people discovered that the power of the state was used solely for the benefit of the the banks. In 1846 New York discussed and instituted a great reform, whose saving quality has affected all later legislation and constitutional provisions — the responsibility of bank directors and the inspection and regulation of banking operations by the state. The reform speedily overspread the country, and was embodied in the constitutions of new states, notably of Wisconsin, Iowa, Minnesota, and Oregon, and in the new constitutions of older states, as in Illinois, Michigan, and Ohio. Later when the federal government took up the problem of national finance at the outbreak of the Civil War, Congress modelled the national banking system on the New York plan, utilizing the severe experience of the states to secure a sound fiscal system. The grinding necessity of the nation at a critical period utilized the constitutional experience of the states. But the federal government, when it went into the banking business, perpetuated an old error (so one political party claimed): it created a monopoly greater than the aggregate of little monopolies which existed under the state-banking acts. And at this point is the parting of the political roads. Whether or not an American believes in our national banking system, he must, in order to appreciate its value as well as to know its origin, turn to the early constitutional history

of the states. Before demanding forty-five state banking systems to one national system he should acquaint himself with the history of state banks and banking down in 1862.

The New York provision of 1846 regulative of banking corporations inaugurated the attempt to protect the people against monopolies, which has culminated thus far most notably in the elaborate articles on the subject in the constitutions of the new states of the Northwest. It is to the Dakotas, Idaho, Montana, and Wyoming that the student of American politics must turn for a discussion of the relation of the state to trusts and monopolies. The people of the Northwest have felt the burden of corporations: whence the political value of the constitutional history of this portion of the Union. Remote from the great markets of the world the people of the Northwest, who produce a large part of American cereal supplies, have contended with monopolies in the form of public carriers, speculators, creators of "corners," and money lenders. The contest comprises the most notable experience of the kind in our history. The race problem at the South and in California has proved no more perplexing. The influence of trust and monopolies has not been limited to the Northwest as the debates in New York in 1894 show.

The framers of a state constitution do not insert a provision on every subject they discuss. The organic law of a state is seldom a mirror of convention debates; but convention debates quite accurately reflect public opinion. Even the vagaries of delegates exploited to wearisome length in convention speeches do not divest the proceedings of political value. The organic law emerges not infrequently from

a dense fog of convention talk, the obscurity of which seems not worth penetrating; but there is some light amidst the darkness of speech, the light which gives political value to state history.

From the beginning of that history there have been attempts to define and regulate the traditional three-fold powers—or functions of the state—legislative, executive, and judicial. Elemental in this attempt was the agitation to limit the field of legislative action. The evidence of this is found in the ever lengthening list of inhibitions on special legislation. Some of the later constitutions enumerate no fewer than eighty subjects which must be regulated—if regulated at all—by general legislation. The primary cause of this limitation is public economy. The first constitutions clothed the legislatures with general powers; and straightway abuses followed, the nature of which may be detected by glancing through the constitutions adopted since 1870. Over-legislation is the misfortune of the states. Democracy trusts to laws rather than to men. No one can understand the evolution of American politics who neglects the history of state legislation. Indeed much national legislation is no less than a generalization, in statutory form, from acts of assembly, as for instance the inter-state commerce act.

The struggle to define executive authority has resulted in a wide extension of the power of governors compared to that granted under the first constitutions. The extension is only a part of that increase of executive power in practice which has been going on in the federal government. The President of the United States is today a personage of higher

authority than was that person during the early years. The attempt to convict Andrew Johnson of high crimes and misdemeanors marked the culmination of the struggle between the legislative and the executive in the national government; and the executive triumphed. President McKinley exercised an authority, when he directed public affairs at the outbreak of the Spanish-American war, such as our Presidents in an earlier day would have hesitated to assume because of the interpretation of the constitution then prevailing. The President of the United States possesses and exercises an authority greater than that vested in the chief executive of any other country in which constitutional forms are observed.

The growing practice in the states parallels that of the United States. If one will turn to the articles on "the executive" in the successive state constitutions he may easily trace the growth of the authority of governors. The first constitutions made the governor merely a military figurehead because of the prevailing hostility to monarchial authority. Before half a century had passed the public mind had detected the perils of an unlimited, unrestricted legislature, and the process of enlarging executive powers was well under way. The practice in the federal government conforms to the practice in the states in this respect, and the constitutional history both of the states and the United States points to the same political lesson. The public demands the fixation of responsibility in government; and the executive is that power which easiest responds to the demand. Americans are willing to grant large authority to presidents and governors, at the same time holding them responsible in order to secure the ends of government.

If we look for the record of the public mind as it has expressed itself on the extension of executive powers, we must turn to the discussions in the state constitutional conventions, and notably those which have assembled since 1850. There we find ample defense and equally ample denial of the wisdom of the change. There is but one state in the Union in which the governor does not by the constitution as first framed possess the veto power—a defect later corrected by amendment. Perhaps no better illustration of the exercise of authority by a governor can be given than the practice in Pennsylvania. The governor of that commonwealth is empowered by the constitution to veto any item of an appropriation bill. In practice the governor not only vetoes items, but changes the appropriations, cutting down the several amounts according to his judgment. Yet the constitution contains not one word of authority for this practice. In later years the people seem to rely on the governor to protect the treasury.

Contemporaneous with the limitation of legislative and the extension of executive authority has been the change in the election and the term of office of the judiciary. The states began, like the United States, with an appointive judiciary serving for life or for a long term of years. The appointive system and the long term of office have been quite discontinued, and chiefly since 1850. The spirit of federalism found its last stronghold in the judiciary; but democracy has routed it all along the line. Nor was the attack unsupported by reasons. If he who seeks them will turn to the constitutional history of the states (for example, to the Kentucky convention of 1849, or to the Louisiana of

1864), he will discover evidence of the power of that fierce democracy which underlies American institutions. He will find the seeds of discontent which ripen into change and innovation; and above all he will learn why no political party in American for fifty years has successfully advocated an appointive judiciary. He will also learn the primary cause of the present popular disregard, not to say contempt, for courts and their proceedings. Americans have made havoc with the traditions of the ermine. Nor has it been merely by substituting an elective for an appointive judiciary, and a short term for a life tenure, that the position of the judiciary in America has been shaken. Crimes and misdemeanors have been encouraged by the creation of boards of pardon and by the provision for appeal incident to the multiplication of courts. The judiciary has fallen into the power of party politics. Few are the states in which this has not occurred. The student of criminology in America will not neglect the records which the state constitutional conventions usually make of long discussions culminating in provisions for boards of pardon, boards of revision, and the like, which are authorized to nullify the decisions of our state courts of last resort. The practical effect is the miscarriage of justice, the encouragement of the hopes of criminals to escape the penalties of the law, and the confusion to society arising from the subordination of judicial findings to political ends. Already the evil consequences of this constitutional interference with the course of justice clearly point out the need of rational reform, one of the first steps toward which is the abolition of boards of pardon and the restoration of final authority in criminal

cases to the courts of law. The creation of boards of pardon is not proof of the extension of executive power, but rather of its curtailment. It may seem at first thought paradoxical that the two changes should have been made in the same period. The boards owe their existence in part to the abuse of executive clemency, but more to public resentment at the tyranny of politics. Many an offender has been pardoned after a fair trial and just conviction because of his influence with the party in power. Americans seem incapable of understanding that crimes and misdemeanors are not a party prerequisite. Government—the public business—is commonly considered as identical with the party which may be in power. The protection of life and property as an unchangeable obligation, the supremacy of the law, and the punishment of evil doers are often strangely confused with the opportunity of party politics. The accession of party to power has at times meant not only an exit of office-holders, but a jail delivery of notorious offenders. The evil spirit dominates our criminal system and finds no serious obstacle in a board of pardons.

For many years a movement toward the direct participation of the electors in government has been strengthening in the states, taking the form of the *referendum*. This term is quite unknown to the American voter, but he is becoming more familiar with the principle which underlies it. The first application of the *referendum* in America was in the submission of a state constitution for ratification or rejection, and this continues to be the familiar illustration. It is seldom that a constitution is promulgated, and since 1800 never at the North and only in a few of the former

slave-holding states. Mississippi in 1890, Delaware in 1897, and Virginia in 1902 did not vote on their new constitutions, but accepted them under the ordinance of the convention. In the case of Virginia this procedure was directly contrary to the act of assembly authorizing the convention.

The use of the *referendum* in legislation, and chiefly in the financial affairs of cities and counties, has of late years been tried in several states. The voters are thus given an opportunity to regulate the indebtedness of their community. Further than this little attention has been paid to the *referendum*, unless under this be classed the primary elections. A person who depended upon the written constitutions of the states for a knowledge of the primaries might be surprised at the discovery that the constitutions make no reference to them. Yet every state in the Union may be said to be governed through the primary elections. To whatsoever extent party organization submits the names of candidates to the primaries, to that extent the *referendum* is practiced in America. Political conventions name the ticket and go to the electors with their nominees. The direct nomination of candidates by the voters themselves is practically unknown in America. Each state is controlled by a political party and each state constitution is distinctly the work of a party. Usually a new constitution is advocated and carried through by a political party. A constitutional convention, therefore, becomes a Whig convention, or a Democratic, or a Republican, as the fortunes of politics may decide.

This well recognized fact has tended to diminish in the opinion of many the value of state constitutional history.

"Of what value to me," inquires a Republican, "are the debates of a Democratic convention called to frame a constitution?" The answer is obvious. Under the American system of government a constitution, or a law, must be the work of the majority of the voters expressed through the agency of a political party. The objection which rules out convention records rules out the records of state legislatures and of Congress. It rules out the records of popular government, for these records are of political parties administering the public business. Discontent with parties lies at the bottom of the demand for direct participation in government by the electors. The extent to which the discontent has gone and the value of the *referendum* as thus far practiced in this country can be known only by a study of the constitutional history of the states.

State constitutions and laws, like people, follow the lines of migration. When the Monterey convention assembled in California in 1849, William Gwin, one of the controlling minds of that convention, announced that as there was no printing press in Monterey he, in order to facilitate the work of the convention, had caused to be printed elsewhere for the use of the delegates an edition of the constitution of Iowa (1846) "because it was one of the latest authorities." With this organic law as a basis he thought that the members, with suitable marginal notes suggested by the immediate wants of California, could frame a constitution for that state. On turning to the Iowa constitution of 1846 and consulting the discussions in the convention which framed it one easily discovers the parentage of many important provisions in the constitutions of older states directly east-

ward (Illinois, Ohio, Michigan, and New York, and New England) and southeastward (Kentucky, Virginia, and North Carolina). The Iowa constitution was a composite instrument containing some provisions characteristic of southern and others of northern states. California framed and adopted a yet more composite fundamental law. The constitutions of states along the Atlantic coast do not possess this composite character. That character is first disclosed in the states first admitted into the Union, as for example, Tennessee, Kentucky, and Ohio; and as the states have been organized to the westward they have the more notably illustrated in their constitutions the composition of political forces. In later years the old lines of influence have been changed. When the present constitution of Mississippi (1890) was in process of formation the several committees, to whom the work was assigned, commonly in their printed daily reports to the convention cited provisions in the constitutions of other states as authority and precedent; and the citations included, among others, the constitutions of Texas, New Jersey, California, Missouri, Pennsylvania, Illinois, and New York. New York State in 1894 published in several volumes for the use of its delegates an edition of all constitutions at the time in force in the Union, and also of all in force in foreign countries. This tribute to the political value of state constitutions was not the first paid by the empire state. It made a similar publication ir 1846, and again in 1868.

As time passes and new constitutions are formed by the states the permanently valuable features of the organic laws of all the states must approach uniformity. The

national constitution is the model for general form; the state constitutions become particular applications of settled principles of constitutional law. In this work the people participate, indirectly by their representatives in convention and directly by ratifying or rejecting the constitution which the convention submits. This use of the *referendum* in this connection promises to remain the most usual. There is, however, no prospect of the adoption of the *referendum* in ordinary legislation. Inter-state and federal relations can not be clearly understood by a mere perusal of the state constitutions and laws. One must know the "unwritten constitution," the civil practice of the commonwealths. The old thorn of state sovereignty may be said to have disappeared with the rejected constitution of Kansas of 1858–9, in which for the last time an American state, in its organic law, claimed to be "free, *sovereign* and independent." No southern state has ever inserted the word "sovereign" in its constitution as descriptive of its place in the Union. The word in the constitution of Massachusetts, adopted in 1780 and still in force, carries one back to the Confederation and the loose federal relations of the time of the Revolution. No state has made a more definite declaration of federal relations than has Mississippi in its constitution of 1890, which recognizes the paramount authority of the United States and the paramount allegiance of the people of Mississippi to the general government. With the exception of Maine (1820) and Nevada (1864) no northern state makes a like declaration. The political significance of these facts is clear, and no man need miss it. In their organic relations to the general government the states stand independent but not

sovereign. The authors of the *Federalist* use the term "residuary sovereignty" as descriptive of the relations—a term employed by Chief Justice Marshall in his decisions and also by his successors. Though the term as a philosophical one is unthinkable, it has come into use and remains as the description of a condition or relation difficult to define but plainly existing.

It is to the constitutional history of the states as that records the actual administration of government in them that one must turn in order to understand the nature of the federal relations of the component parts of the Union. Americans do not see in their civil affairs the complications which puzzle the foreign student of them. He cannot easily comprehend the meaning of forty-five state constitutions, each an organic act, and one federal constitution, also an organic act. He finds it difficult to understand the language of the Supreme Court of the United States when it defined the Union, as it did in 1868, as "an indestructible union of indestructible states." Nor will he be able to understand this civil organism until he has fathomed the constitutional history of the states.

Very important national issues, such as slavery, the national banking system, nullification, the extension of the suffrage, and issues growing out of the use and disposition of the public lands must be studied in the light of state constitutional history. The strictly federal aspect of their issues is partial. And to obtain a knowledge of state constitutional history one must examine the state archives, some portions of which have been published. Every state issues public documents and many of the states publish

their early archives—notably Massachusetts, New Hampshire, New York, Pennsylvania, North Carolina, Michigan, New Jersey, Arkansas, Alabama, California, and Iowa. It is now becoming possible for one to learn the life of a state since its settlement. Pioneer work, whether at Plymouth (1620) or in Johnson county, Iowa, (1839), is seen to precede the perfection of civil organization just as childhood precedes manhood. The records of the Plymouth colony in Massachusetts are no more instructive than the records of the early Claim Associations in Iowa. The pioneers of the great West labored, like their fathers in the East, to establish free institutions. It is the unconscious effort of men which discloses their true character. He who would understand the character of the commonwealth of Massachusetts must begin with the story of the Mayflower company. So he who would understand a western commonwealth must begin with the story of its pioneers. This story is fast becoming vague tradition, and the younger generation in a western state know no more of it than does the younger generation in one of the older states in the East. The state itself must preserve and publish its own history so that its children may know the value of their heritage.

Happily in later years societies have been established for the preservation and publication of the early records, and state legislatures have created historical departments, as in Alabama, in which able and enthusiastic men are working. The moral effect of their work is felt in general intelligence and patriotism. The decay of patriotism is lamented in many quarters. One obvious remedy is the encouragement of the youth of a state to become acquainted with the deeds of their ancestors.

But this is only the local side of the subject. A state is more than a geographical area or a collection of offices. It is a living organism. Its industrial experience forms the basis of its civil life. Constitutions and laws and judicial decisions are formal records of some aspects of its life. Important as these are, and explanatory of the course of public affairs, they comprise only a part of the record. In order to understand thoroughly the political character of an American community, a state or a city, one must know its history, and thus be in intelligent sympathy with its people. But the state itself must help by publishing its records, and thus make its history accessible. The perpetuity of American political institutions depends upon the intelligence and the sympathy of the American people themselves.

Francis Newton Thorpe

Mt. Holly, New Jersey

HISTORICO-ANTHROPOLOGICAL POSSIBILITIES IN IOWA

ANTHROPOLOGY AS A SCIENCE

Anthropology is history. It is history at its beginnings. It is a chapter in the new book of Genesis. The languages from which it gleans its facts and laws are not all written in phonetic characters. Its early chapters are recorded in the leaves of the earth's upper strata. It goes for information to Tertiary and Quaternary Geology. It draws upon the resources of Archæology. Ethnology from all parts of the world brings its loads of facts and laws. It shall finally include comparisons of all languages, customs, institutions, traditions, and mythologies. The science itself is not any of these nor a combination of them all. Its central interest is the problem of human evolution. It is the science which studies the origin of the human being and the origin of his capacities. It applies the law of evolution to human nature and human faculty. It may be defined as the study of human origins and evolutions. It deals somewhat in the materials and facts of every human science. It is an effort to consider man generically in the same matter-of-fact manner that science advises regarding other regions of phenomena. It would reach an evolutional survey of the nature of man and of the expressions of man's nature. When the day comes for its establishment as a completed science, it

will be substantially an evolutionary synopsis of man on scientific principles.

Its conception as a science has been somewhat vague. Its limits have been indefinite. It has had lack of clearness because of bulkiness. Men for half a century have been feeling their way toward its better determination. The conception of it as a genetic science will aid to the clearer definition of its scope and limits. For this end the writer proposes the following nomenclature and divisions.

DIVISIONS OF ANTHROPOLOGY

These divisions are named from the points of view of the genesis of their facts. Man's origin in time and space is chronologically first; then the problem of his body or material organization, then his mind, then races, then society (including morals), and then religion. We may designate these divisions as: (1) Anthropogeny (Palæontological Anthropology); (2) Somatogeny (Biological Anthropology); (3) Psychogeny (Mental Anthropology); (4) Ethnogeny (Comparative Anthropology); (5) Sociogeny (Gregarious or Manward Anthropology); and (6) Religiogeny (Cosmic or Godward Anthropology). It is hoped that this division and nomenclature may be found natural, and that it will bring a vast and previously unhandleable body of facts into determinate limits. Every time and every clime offers its contribution. Every people past or present lends its experience toward the making of this last great science. Although the world is so old and man's experience on it so long, yet the science of man in any comprehensive sense is only in its pioneer stages.

This paper has for its object not an exposition of Anthropology nor a completed investigation into what the territory occupied by the State of Iowa can contribute. It is rather a recommendation. It is of the nature of a suggestion for the scientific treatment of a most important realm of facts. It has the simple aim of helping to get a keener realization of these facts. It hopes to make more definite the belief that history and politics have wider scope and deeper roots than is ordinarily supposed. The subject-matter will belong under several of the above named divisions.

GEOLOGICAL PREPARATION IN IOWA

As a possible human habitat Iowa is very old. The evidence is not yet all in as to whether man was here before the last Glacial Epoch or before other preceding ice periods. In recent geological history Iowa stands in the front rank of interest. It has been under the sea; it has been under the ice; it has supported many varieties of flora and fauna. Its uppermost surface formations are geologically the latest. Moreover, they are unusually complete; and the record of what has been called the later Tertiary, and of its successor the Quaternary Period, has been quite clearly read in Iowa and neighboring States. Professor Samuel Calvin says that "In no part of the world are certain chapters of the Pleistocene record clearer or fraught with greater interest, than in our own fair Iowa."

It does not belong to Anthropology to answer the later geological problems or to account for their wonderful phenomena; but Anthropology is greatly interested in these problems. It has a vital interest in their answers. In

many portions of the world the remains of early man are found in more than one of the layers of the upper strata. Hence the geologist's later problems are looked upon as having closest relationship to Anthropology.

What made the Pleistocene? What changed Iowa from the beautiful Pliocene of the Tertiary Epoch, or from the Neocene as it is now called by some geologists? Iowa then had a Florida climate with all its accompaniments in the way of vegetable and animal life. Why the change to the frigidity of the early Pleistocene? Was it elevation of the surface by internal upheavals? Was it changes in oceanic currents which blew frost and storm and cold where previously balmy breezes prevailed? Was it change in the nature or quality of the earth's atmosphere? Was it change in the earth's axis or in the earth's orbit? Whatever the cause the result was a big snow storm which lasted thousands of years and eventually piled up mountains of ice.

Before this life was gay. By its coming life was blighted and much of it was driven away or entirely wiped out. The glaciated region extended (with slight exceptions) from Vancouver to Massachusetts. But it probably came on so gradually that the change was unconscious, and, to a considerable extent, life adapted itself to the slowly modifying conditions. This vast country of which Iowa forms a part was low. The Gulf of Mexico in those days reached almost to St. Louis. From the North there came the snows and the resulting ice and filled up the streams and the bogs. Even the Mississippi was blocked, and after the long, long storm was over, it found in many places a new channel as it thawed out again. And so of all the rivers of the old times. Their gorges were plugged.

All this is strange, but the newer Geology has a still stranger tale to tell. It says that the like has occurred several times. The investigators within Iowa territory tell us of several glaciations. Nowhere in the world have Nature's stratified leaves been so carefully turned and so thoroughly conned as here on this once broad prairie lying between the great rivers. We are assured that there occurred glaciations which left a Pre-Kansan, a Kansan, an Illinois, an Iowan, and a Wisconsin drift. It is less than a generation since this wonderful investigation began. The work has been carried on chiefly by White, McGee, Calvin, Bain, Leverett, Udden, Chamberlin, Salisbury, Macbride, and Shimek. In the *Proceedings of the Iowa Academy of Science*, in the *Annals of Iowa*, in the *Reports of State Geological Surveys*, and in various other places will be found the details of the labor of these several individuals in reading the great enigma. In its totality this work will require the re-writing of some chapters in Geology. It would take us beyond our province to state even a few of the interesting results from this long investigation.

In these strata are found the remains of several great mammals. Here and there, wide apart, are the bones of the last mastodon and several varieties of the horse and other grazing animals long ago extinct. And toward the end comes man. How many "men" or races, what was their origin, whence did they come, what was their career, and what their destiny? Here, on these vast stretches of noble land, race after race has struggled for the possession, and in their struggles they have laid down their bones and their implements of offence and defence. In these characters (new

as documentary sources) we are slowly reading their history. The forces of storm, glaciation, and inundation made the richest of soils and created a territory most desirable as an abode for man.

THE APPROACH OF THE WHITE MAN

The career of the White dates from but yesterday. It is all history—history in the ordinary sense. It is easily read and traced. It was nigh two hundred years after Columbus anchored off the eastern coast before explorers penetrated so far as to visit the prairies of Iowa and the sister regions beyond the great "Father of Waters." Generations of white pioneers settled along the Atlantic coast and lived and built and tilled and died without knowing how much grander land lay toward the setting sun. Here the various Indian races roamed unknown. Here they hunted and here they clashed and fought with each other for ascendancy—they, too, all blissfully ignorant of the new type of man who was gradually moving westward toward their region, and who would one day claim their hunting grounds for other uses.

The discoveries of Columbus, Cortez, De Soto and others had excited man's imagination as to the bigness of the world to the west; and the rulers of Europe were anxious to get claims over as much of it as possible. The Portuguese, Spanish, French, and English all figured in the great scramble to preëmpt a new world whose rivers flowed over gold. Their several fortunes in this undertaking have been well studied and beautifully narrated in our American histories.

The greater Louisiana, which under La Salle's claim vaguely extended from the Alleghanies to the Rockies and

which belonged to the French and then to the Spanish and then to the French, and was finally bought from Napoleon's bargain counter by the United States in 1803 for some $15,000,000, was the greatest land sale in history and probably the best real estate bargain ever recorded. It reflected as much credit on the sagacity of President Jefferson as it did discredit on the oversight of Napoleon and his ministers. Settlement after settlement took place. Up the Mississippi northward, but chiefly from the eastern States westward, came the on-flowing white emigrants. The Louisiana of today became a State in 1812; and there followed Indiana in 1816, Illinois in 1818, Missouri in 1821. Boundaries were indefinite in those days. Land was taken in the large. There was plenty of it. A county was often as big as a State is now. The term Iowa (Ioway, a beautiful and permanent reminder of our Indian precursors) was first applied to several of the rivers which flow through the trans-Mississippi country. In 1836 Lieutenant Albert M. Lea used it to designate that part of the Territory of Wisconsin which lay west of the Mississippi. In 1834 the territorial legislature of Michigan had divided this whole "Iowa District" into two counties—Dubuque and Demoine.

In 1836 Congress formed a Wisconsin Territory. It was taken from the Territory of Michigan. It included the present Wisconsin, Minnesota, much of the Dakotas, and Iowa. Then there was an eastern and a western Wisconsin, divided by the great Mississippi. The capital of this region in 1836 was at Belmont, Iowa County, Wisconsin. The next year it was moved to Flint Hills (afterwards named Burlington). The growth that followed was unparalleled,

and in 1838 western Wisconsin, or the Iowa District, asked for a territorial government. It covered Iowa, Minnesota, and that part of the Dakotas east of the White Earth and Missouri rivers. The white population was reported in a census then taken as 22,860.

Eight years more and Iowa was again divided, and the present Iowa, with a population of 102,388, became a State in 1846. This population had squatted first at the trading points on the great rivers; while the interior was at this time the exiled home of many Indian tribes and remnants of tribes from the States farther east. In 1830 the United States had bought a strip of land in western Iowa for the purpose of sustaining more peaceable relations with the Sac and Fox Indians, the Omahas, the Otoes, and the Missouris. On this it was expected the Indians were to be left ultimately.

THE WHITE MAN'S FINAL POSSESSION

Before 1833 almost no Whites had entered the Iowa country. Indians were the sole possessors. After the war with Black Hawk in 1832, "The Black Hawk Purchase" (extending from the State of Missouri to the Upper Ioway river, a strip about fifty miles wide on the west bank of the Mississippi) let in the on-pressing emigrant stream, and very soon the six million acres opened up by that purchase were covered with white settlers.

But this was not enough. The covetous and money making White had his eye turned still westward. Iowa was too valuable for Indian hunting grounds. In 1838 the Iowas sold out to the government. In 1842 (in the saddest

council ever held) the Sacs and Foxes conveyed to the United States the "New Purchase," and in 1851 the Sioux did the same and transferred his hunting and scalping grounds to the irresistibly aggressive Aryan. Thus ended the events of a yet to be written history. Some time some one will gather up the main lines of the Red Man's career in this Iowa land and vicinity and do better justice to it by a true historical narrative. It is not our province to follow further the fortunes of this most interesting transfer of a great State by what was (according to the standards of the nations) the honorable means of purchase, treaty, reservation, and assignment. Yet in these political dealings of nation with nation or with tribes, these great transactions were far from ideal.

WHO WERE THE FIRST INHABITANTS

Anthropology asks: how many times has Iowa been inhabited before? How many waves of migration and conquest have swept over its vast green fields? How long have these fields themselves been habitable? Whence came these immigrating streams? What were the causes which impelled them in their conquering conflicts? These are problems yet to be cleared up. Geology and Archæology will lend their aid. The work has begun. A vast amount of material is ready. A great number of explorations have taken place.

It is believed by many that there are in Iowa evidences of the great antiquity of man. This evidence has not yet been systematized, and has not thus far been convincing to the conservative scientific mind. It is claimed that, at least,

man followed the glacier northward in its retreat. It is believed that this race was Eskimoid in type. What can we know of him? Who were his successors?

THE MOUND BUILDER PERIOD

It is supposed that this little Eskimoid man was followed by the famous Mound Builder, who finally spread his art and civilization up and down the Mississippi Valley and east and west for great distances. His characteristic works are found in Ohio and in Iowa, in Louisiana and in Wisconsin. He has left a vast amount of evidence as to his physical characteristics and the material stage of his civilization; but he is withal a great mystery. His mounds, so numerous, constitute together the most baffling problem in Archæology. What are they, what were they for? Some of them are doubtless the remains of his dwelling places, but many are not. Some have religious significance; some may have been for defence. Doubtless in many of them is buried the owner of the lodge which once existed thereon or thereby. Probably with his bones are to be found his implements of peace and war, and oft-times, too, the bones of his slaves and his wives, who were sacrificed to accompany his spirit on the long voyage to the land of the Great Spirit. Some of these mounds were perhaps the sites for beacon fires to convey news across wide stretches of country or to guide marching tribes or bands of hunters. Some of them, indeed, seem to have been constructed for ceremonial, social, or religious purposes of which we can only vaguely guess the nature.

In them, here, there, and everywhere, are the plentiful

objects from which Archæology must some day reconstruct history. Skeletons, weapons, utensils, pottery, hieroglyphs, attempts at sculpture and engraving are exhumed. Many other intimations there are of the sort of people who lived in these regions for considerable times. We must believe that they had a vast social organization and that they did not possess their lands in undisputed peace. The Iroquois chiefly to the north, the Algonquins chiefly to the east, the Sioux and Dakotas to the west and northwest, and perhaps the Pueblos and Cliff Dwellers to the southwest all wanted the best territory, if they knew where it was. What were the lines of their migrations? what their careers? and what their dooms? are most interesting stories yet to be interpreted, yet to be read. This can be done. More difficult things have been read. No longer do we expect to find all human history on pages copied from spoken language. The so-called "historical period" of man's career is an insignificant stretch of time. Some one has figured that it would represent comparatively but the last three months' diary of a man seventy years old. The Polynesian migrations and race relations have been largely made out by evidence of less variety and less definiteness than exists for the solution of these American anthropological problems.

WHAT BECAME OF THE MOUND BUILDERS

The territory of the long settled Mound Builders seems finally to have become the coveted hunting ground of oncoming and growing races in the East and the West. Another problem to be settled is: what became of them? Were they really a separate race? Were they utterly annihilated by

the savage hordes attacking from various quarters? Did they become extinct from plague or disease before these savage hordes approached? Did they mingle and blend with the oncoming tribes toward the close of the period of their racial decline? Did they flee away to the North and become degenerate? Did they flee away to the South and reëstablish themselves? Have we perhaps found their remnants blended in the Pueblos of Colorado and Arizona or in the Cliff Dwellers of New Mexico? Did they go still further? Can we look for some intermingling of their type and work in the Pre-European peoples of Mexico, Yucatan, or Honduras? Or did they never go away, and do their relics simply represent a previously higher stage of later found peoples? Was there a protracted struggle, either against nature or against invaders or against both? In their prime and for a long time, whoever they were, the Mound Builders were a great people. They seem not to have prospered further to the north than Iowa and Wisconsin. Perhaps their greatest prosperity was farther south and eastward. But on Iowa soil they apparently lived for a great while, and here they have left a great record.

WHO SUCCEEDED THEM

After them came others. Were these others their immediate conquerors or their degenerate descendants? Were these others the Indian tribes which were later displaced by Whites? Were they the Sacs and Foxes, the Sioux and Missouris? Who knows? How can we know? Who has portions of the record? How shall these records be collected? Who will help read them when collected? Splendid

beginnings have been made. When the White Man came, the Sioux in the West was then the mortal enemy of the Sacs and Foxes in the East. The Sacs and Foxes seem to be descendants of Algonquin stems from the East and Southeast, and the Sioux seem to be the posterity of the Dakotas from the West. From their earliest meetings these two were enemies. This was from time immemorial. But how long is that? Besides the Sacs and Foxes, apparently before them in their region, were the Illini (Illinois), the Mas-Coutins (Muscatine) and the Iowas (Ayouas, Ayouways, Ayoas, Aiouex). These latter were nearly exterminated by the Sacs and Foxes who came from Wisconsin, and of the Sacs and Foxes only a handful remain on the reservation in Tama County of this State.

THE RED MEN—"SAVAGE" OR CIVILIZED

It is easy to call our enemies "savages." It is hard for men of one race to see greatness in those of another. It is especially hard to do this if that other belongs to a widely different type of civilization or mode of living. The Aryans, and Europeans in particular, have been accustomed to style themselves the "enlightened" and all others as "half civilized," "barbarous," or "savage." They have seldom taken the pains to learn the attitude toward them of men of other races or the value of others' opinions. Anthropological study reveals this as a widely human trait. No firmer nor intenser illustration of this fact have I met than in the attitude of a Fiji Islander toward the people of the United States and Great Britain. To him, although we excelled on the material side of civilization, morally we were a barbarous

people. He hesitatingly pronounced us a nation of hypocrites. Instances of this sort should give us pause and make us reëstimate the other races.

To nearly all Americans the Red Men, whom they dispossessed, were merely "savages." More careful study of these people does away with this popular judgment. Among the copper-colored tribes, formerly inhabiting the now broad United States, were some great characters and many good and true men and women. We are able to estimate them at this distance of time with more likelihood of justice. Greatness is a term with more variety of content than the average man has yet realized.[1]

BLACK HAWK

Every tribe and every people have men relatively great among themselves. But some of them are also relatively great when compared with their assumed superiors. Among these was Black Hawk, the dauntless leader of the Sacs and Foxes in the twenties and thirties of the last century. He was a man of keener moral sense than most of those who

[1] Since this section was finished the *New York Sun* (of Oct. 27), in an editorial on "The Thirteenth International Congress of Americanists," says: "It appears that we have commonly put too low an estimate on the Indian, using the term Indian as inclusive of all the aboriginal inhabitants of this hemisphere. The Indian, these learned men find, was a more intellectual being than has been generally supposed. He was religious, with high sentiments and keen emotions, and he was advanced politically far beyond the degree in savagery where he is usually placed, his political development being measurably influenced by his religion.....

"There was an American civilization as definite as the European civilization. Really, there has been a series of civilizations, one overcoming the other and the higher form usually dominating. We

dealt with his people as representatives of the United States government. His sense of justice and his opposition to the fraudulent land trade in 1804 are admirable. In the name of these tribes some drunken Indians at St. Louis sold all their territory east of the Mississippi, from the mouth of the Wisconsin to the mouth of the Missouri, for the despicable sum of $2,234.50 in goods and $1,000 a year (in goods also) for an indefinite while! This bargain Black Hawk resented, repudiated, and asked to have reconsidered. His claim was just, but to our shame it was refused. His people were forcibly moved across the Mississippi. Their deepest hatred was cultivated and the Black Hawk War was the result.

Black Hawk's intellectual acumen was shown in his famous hunting, his fighting, and his sagacity in the government of his people. His high moral character and his social qualities are seen in his rigid temperance, in his domestic virtues, and in his sense of right in general. Even beyond this he displayed that love of nature which characterizes all high

were not the first invaders. We were not the first exterminators. America has seen races come, rule, and be swept away in their turn. Where savagery triumphed, as in the case of one race of Mound Builders, when a mild and stationary people were overborne by a more vigorous and restless stock, as in Europe, it usually followed that the conquering race was influenced in time by the culture of the conquered. This has been found written in monuments and tombs. Sometimes there can be traced the evidence of a conquering race's recognition of the superior attainments of the people it has overthrown, and when the different investigators compare notes the history of an ancient invasion is completed.

"In art the pre-Columbian Americans were advanced beyond the stage of development to which they have been assigned. So say the Americanist students."

and noble spirits. Together and separately, these various qualities place him among the great characters and make his name forever eminent in Iowa history, even though he wore "copper-colored skin, shaved the sides of his head and put feathers in the knotted tuft at the top." Such criticism simply shows our lack of humor. The anthropologist is unable at times to decide whether Sacs or Whites are the more grotesque. White generals, lodge officers and others wear the feathers and trinkets, according to their taste; and white men instead of shaving so as to leave a tuft on the top of the head, leave it across the middle of the face, or on the chin, and give it some foreign name, under the common assumption that vanity always seems wisdom when expressed in a foreign tongue.

KEOKUK

Another former ruler upon Iowa grounds deserving of the White Man's attention was Chief Keokuk. He was both war- and peace-maker. He belonged to the same race as Black Hawk. They were rival chiefs among the Sacs and Foxes. Keokuk had some qualities which Black Hawk had not. On the other hand, he lacked some of Black Hawk's virtues. He was an orator, and his counsel prevailed with a large part of the people. He advised peaceable submission to the demands of the United States government. He saw the inevitable, and thought it best for his people, on the whole, to peaceably submit and obey the order to go beyond the great river. In speaking to his nation upon this subject his famous saying is worthy of wide quotation. Referring to possible war with the Whites,

he says, I will lead you on condition "that we first put our wives and children and old men gently to sleep in that slumber that knows no wakening this side of the spirit-land, for we go upon the long trail which has no turn." The literary critic or the Anthropologist will find in these words many an intimation of breadth of character. His life in various respects did not reach the high moral quality of Black Hawk's, but both were "great" when measured by true and generous standards.

MA-TAU-E-QUA

As before remarked the Tama Reservation of some three thousand acres, owned individually by Indians of the Sac and Fox tribes, is the last foothold of the once wide roaming copper-toned man in Iowa. Probably the last of their war chiefs who had followed the "bloody trail" was Ma-tau-e-qua. He died in Tama on October 4, 1897, at the advanced age of 87. His was a wonderful Indian life—indeed, a wonderful human life from the point of view of the variety of its experiences. He was twenty-one years of age when the Black Hawk War broke out in 1832, and he experienced the hardships, the excitements, the early enthusiasms, and the later defeats of his illustrious tribes. He lived in his early years the purely Indian life of nomadic hunting and fierce internecine conflict. He was 47 years of age when the first expedition of his people returned from Kansas to seek fitting homes for the conquered Sacs and Foxes in their old beloved Iowa. He was one of the five who first bought land in Tama County in 1857. For forty more years he was the sage and counsellor of the Mus-

quakies, and he tried to keep them true to the old traditions. He was an Indian, a North American Indian through and through, even though he had settled on a farm in an Iowa county. He was a great character. He was a man of sterling principle. He possessed a stolid, stoical nature coupled with much insight; and who shall blame him if he did love to the last the war paint and the legends? The White Man's taunt of Indian treachery is simply a misunderstanding of problems and conditions. It was the White Man himself who made the proverb that "all things are fair in love and war." The Indian did no worse, perhaps no better, than the White Man does under similar circumstances. He simply tried to save his country to the best of his ability and understanding. By far the larger bunch of perfidy is found on the White Man's side.

If the "savage Indians" from whom we bought and wrested our territory produced men of such manly stature as these, how much greater men may have been in the councils of their ancestors or predecessors in the more palmy days of the Mound Builder.

THE MOUNDS OF IOWA[1]

Few subjects are receiving a better quality of attention than that called American Ethnology and Archæology. Few subjects are vaster than this. Few subjects have so few workers in proportion to intrinsic value. Too much attention could not be paid to this great field, either by governmental, institutional, or individual enterprise for many years to come. It should be one of the great centers

[1] See Map.

of national and local interest. The whole land would seem to be a fruitful field; and the pioneer work has gone far enough to warrant further and broader anthropological attention. Masses of material have been collected in museums, but still vaster ones remain unfound. The plow, the railroad excavation, the weather, and the natural forces of rain and stream are carrying on a two-fold work of uncovering and disturbing, of revealing and then obliterating. Many a valuable piece of information is coming to light, and then passing from view as the years roll by.

Our best records of past races in this vicinity are probably of Mound Builder origin, but no record is imperishable. A timely study of these is desirable for every reason. More excavation, more analysis, more synthesis are needed. The records so far as discovered remain unread. They are to us mostly a foreign tongue. Their meanings are mostly unguessed. A partial reason for this is to be found in the prejudice that has stood in the way. Of what use could the bones, the implements, or the doings of savage races be to enlightened people like us! But this egotism is subsiding. The Mound Builders and other pre-occupiers of our home are coming into respect. Even "savages" are now believed to be worthy of all the study that we can give them.

THE MOUND BUILDER'S PLAIN

But the Mound Builder was not a savage. As before remarked he was well on in civilization. He had government, order, and discipline on a large scale. He knew the arts of spinning, dyeing, and weaving. He made beautiful pottery and ideal baskets. He possessed a broad work

bench covered with tools made of stone, wood, and copper. His implements were not the nineteenth century type, but they were very effective in the chase, and even the White Man's steel would have found them difficult to overreach.

The evidences are that he had many superstitions, but the White Man of today forgets that his pioneer fathers of two or three centuries ago had heads no less full of unreasoned mysteries. His medicine was queer, but we have near relatives and neighbors who rivalled him also in this. He, like our fathers in the Middle Ages, believed in the doctrine of "divine signatures." Deer's eye in lotion was good for sore eyes. "The little burrs which adhere to our clothes as we pass through the woods, commonly called beggar lice, were boiled and the tea used to strengthen the memory, upon the theory that it would make things stick in the mind; probably a primitive conception of the 'similia similibus curantur;' and the man who desired to become a good singer drank a tea made from crickets!"[1]

But these primitive notions generally had a nobler side. Their religion often reached to monotheism. They believed in the Great Spirit. Their future life was materialistic; and if they did not get out titles for our "mansions of the blessed," they preëmpted the "happy hunting grounds." Both were figurative, poetical conceptions of human aspirations.

Their homes were like those of men in such conditions in other parts of the world. They were better than the "dug

[1] C. H. Robinson's *Primitive Man in Iowa*, in the *Annals of Iowa*, 3d series, vol. III, p. 167.

out" of the later white homesteader, and they had patterns and styles original to themselves. The larger houses were round, made by digging out a circular pit. This "cellar" was from twenty to sixty feet in diameter. The side walls made by the excavated soil were from eight to ten feet high. They were covered with poles, and these with brush, and these again with earth and grass thatched thereon.

Around these homes were raised corn and other cereals, pumpkins, squashes, and other vegetables. They ground their corn into meal and baked the meal into cakes. They added to these the fruits of various trees, especially nuts, plums, etc.; while rice is also found among the ruins. They laid in a winter stock of pemmican made from the meat of buffalo, deer, elk, and bear. The rivers contributed their share of the living in the way of fish, at the spearing and catching of which they were expert.

Their home industry was most praiseworthy. Robinson again says: "Those soft skins of the fawn and these with the down of the swan, the loving mother has reserved for the clothing of her babe which hangs by its swinging cradle to another peg, and its garments will be ornamented with feathers and quills dyed in the brightest colors the pigments and barks of the locality will furnish. By her skillful hands too will be made the clothing of the older children and most of that of her lord, as well as his gorgeous war-bonnet and the feather-trimmed robes with which he so proudly decks himself on state occasions. Her thread is a moistened tendon, her needle a sharpened bone used as an awl—thimble, she has none—and she cuts the garments out by guess with a flint knife shaped very much like the

round knife of our harness maker, or the hash knife so familiar in the kitchen."[1]

They possessed the high art of making fire at will in a moment of time. This they did with a skill that few white men are able to attain. Fire to them was sacred, and their myths concerning it are worthy rivals of those of the Greeks, Hebrews, and Hindus.

Their pottery is, next to their weapons, their best transmitted account of themselves. It was both varied, useful, and artistic. It was probably almost wholly the work of the women. Several excellent monographs have been written about it. I must refer especially to articles in the *Proceedings of the Davenport Academy of Natural Sciences*, to articles by W. H. Holmes and Frederick Starr, to Smithsonian Institute Reports, and to other writings referred to in Professor Starr's *Bibliography of Iowa Antiquities*.

Their tools and weapons were limited as to the material, but included much variety of forms and uses. It is not known that they were acquainted with iron. Wood, bone, stone, flint, and bronze are the stuffs from which they made with great skill a great variety of implements. Large pieces of granite, smoothed and shaped for convenience, formed the anvil. Near by was a fire for the easier shaping of various raw materials and for the seasoning of woods for spears, bows and arrows. Hammers, axes, and hatchets of ingenious shapes and of varied material served various purposes. Flints were used perhaps for fire production, but more often for spear and arrow heads, knives, drills, etc. Bones were made into awls and handles. Handles were

[1] Robinson, *Annals of Iowa*, 3d Series, vol. III, p. 170.

fastened on tools by perforations, sometimes in the tools and sometimes in the handle, and often by the further use of thongs and leather strips. They made whetstones on which to sharpen their stone edged tools, and those made of bone and buffalo and deer horn. To accomplish all this required great industry. The Mound Builder was far from the lazy idler which some none too industrious White Men conceive him to have been. "It took a whole day to make a good arrow and many days to make an adze or hatchet." "When we recollect too that to make a canoe, he must first burn down a tree, then burn it off the right length, and then alternately burning with live coals and scraping and pecking off the charred parts with stone tools, he must form the cavity; and when we consider also the time he must employ in killing game for the support of his family and to lay up for winter, we will certainly modify our previous opinion that the life of the primitive Iowan was one of either dignified ease or savage laziness."[1]

There is the amplest evidence that the earlier man of Iowa led an industrious and valuable life; and when we think of the number of things he made, the quality of his work, the difficulties of his clime, and yet withal the high stage he reached, our admiration must grow and our reverence for that life and civilization must increase.

INDIAN NAMES AS REMINDERS

In still another way these predecessors have left with us a permanent reminder. The very name of the State, our fancy has borrowed from their musical tongue. A score of

[1] Robinson, *Annals of Iowa*, 3d series, vol. III, p. 176.

our counties, a dozen of our creeks, more than a dozen of our rivers, many of our lakes, hills, and choicest nature regions bear the imprint of the Red Man's discernment. And so all over our broad nation, as Mrs. Sigourney says in her poetic tribute, their names are on our waters, their memory lives on our hills, and their baptism on our shores.

THE DAVENPORT ACADEMY

The best continued series of work in the direction of Anthropology in Iowa has doubtless been done by and under the auspices of the Davenport Academy of Natural Sciences. Its record is that of a rare devotion on the part of a self-made institution. It was founded in 1867 through the scientific interest of four business men of that town. The interest spread because of the untiring effort and high ability of the men who were at its head. In a few years it became known in scientific circles all over the world. The names of Sheldon, Parry, Barris, Farquharson, the Putnams, Pratt, Preston, Harrison, and Starr have become well known through the publications of the *Proceedings* of this Academy. A notable account of its rise and chief workers was published by Professor Frederick Starr in the *Popular Science Monthly* for May, 1897. Through the appreciation and memorial devotion of Mrs. M. L. D. Putnam the Academy has finally gotten well housed. There, in commodious buildings, are its splendid museum containing many thousands of valuable specimens, and its library of some forty thousand volumes. It is a great source and center of scientific information and inspiration. It has now a memorial publication fund, and has put forth some seven or eight volumes of *Proceedings*.

In these are many articles and monographs of the first order of merit. Perhaps the major part of the collections and of the Academy's interest is anthropological in character.

PROFESSOR STARR'S WORK

As a member of the Davenport Academy, Professor Frederick Starr, (now of Chicago University) has done much in the direction which this paper urges. About 1887 he undertook the assembling of a *Bibliography of Iowa Antiquities.* This was revised and extended in 1892 and published as part of the *Proceedings* in Vol. VI. It covers 205 titles of articles, references, pamphlets, monographs, and more extended works, while in itself it is the evidence of large industry and archæological interest.

In February 1895, Professor Starr issued in the same volume of *Proceedings* a *Summary of the Archæology of Iowa.* In the prefatory note he says:

> It is now several years since I planned the work of which this is a part. As a student, in Iowa, of Iowa archæology, I believed that a systematic work carefully outlined might be carried out with profit. As the plan shaped itself it comprised five separate pieces of work:
>
> (a) Preparation of a *bibliography*, that workers might know where to look for the literature.
>
> (b) Publication of a *summary*, that those interested, who do not have access to libraries, may know what has been done.
>
> (c) Organization of exploration in every part of the State; collection of data, diagrams, plans; making of a working-map, showing the location of mounds, shell-heaps, trails, village sites, etc.—in other words, *field-work.*
>
> (d) *Publication* of a final report of the work done under such

organization, and a separate publication of the map worked out by the exploration.

(e) Preparation of a pamphlet of illustrations of "Iowa types" of archæological specimens, and of a series of plaster copies and models of remarkable specimens, mounds and the like, for distribution to universities, high schools, colleges, and scientific and historical societies within the State. This *educational* work is the most important and significant part of the whole plan, and can only be done well after the other parts have been performed.

How far this plan is to be realized remains to be seen. The Bibliography has been printed; the Summary is here presented. By a wide distribution of this through the State it is hoped that a body of helpers and co-workers may be raised up to work under direction toward definite ends. Persons interested are urged to write to the Academy for advice and for fuller statement of plans.

In this summary he gives a carefully detailed account of the "finds" concerning pre-historic men in various parts of the State. It is arranged alphabetically by counties and gives location and authorities. This is a piece of splendid work of the greatest value as a guide to further study and investigation of these important subjects. It is perhaps the main purpose of the present paper to re-emphasize the plea made by Professor Starr in his introductory note to the "Summary." Already half a dozen years have passed, and little heed to these words has been taken by the higher educational institutions or by State instigation. Individuals here and there are as diligent as ever in their pursuit of information and their collection of materials. Articles of brief character are appearing at intervals in periodicals and in other works. With no attempt to mention all, reference may be made to the *Annals of Iowa*, the various volumes

of documentary materials, compiled and edited by Professor Shambaugh, the *Iowa Historical Lectures* of 1892 and 1894, the *Iowa Historical Record*, the volumes of the *Iowa Academy of Sciences*, (annual volume since 1893), the history of numerous counties, Sabin's *The Making of Iowa*, the *American Naturalist*, (articles by Clement L. Webster and others), the before mentioned *Proceedings of the Davenport Academy of Sciences*, and the *Reports of Geological Surveys*, of the Bureau of Ethnology and of the Smithsonian Institution, etc. Doubtless there are many others that would deserve a place in any list that pretended to completeness. The intelligent and comprehensive work of the State Historical Society, at Iowa City, in collecting, classifying, and publishing early historical documents is worthy of special mention. In another way Sabin's *Making of Iowa* is one of the few readable compendiums.

THE SCIENTIFIC AND EDUCATIONAL ARGUMENT

From the scholar's point of view the study of early man in Iowa (and in all America, of course) is incalculably desirable. On the broader knowledge of man in general now depends the progress of the present and coming man in particular. Progress has become the one great end of life. To understand how to go ahead we must learn how we arrived where we are. The law of evolution is today the central interest in science and education. History has been most imperfectly kept. Man has only lately become a bookkeeper. Thinking of his career as a whole, we can say, he has only recently taken on the habit of keeping a diary. Printed and written records go back but a short

time. These we are accustomed to call "history." From these we can learn but a small part of the great lesson needed. But there are other kinds of history. For a century past we have been searching other records. From them sometimes we learn more valuable and more accurate facts than from the old sources. We have been reading from buried remains the ancient story of the men of far off ages, and it has helped us to fill up gaps with knowledge. We are studying the more primitive men who are still extant and taking note of their physical, mental, and moral stages. They tell us much that is true of the men of yesterday, and thus they help us make out the story of our own natural history. Reading this story we perceive the laws of our lives. Such anthropological study is necessary before we can solve the nearer problems that beset us. We have arrived at the stage in which we make great effort to grow "on purpose," by intention; but our purpose is fruitless unless we know the laws of growth. Speculation, opinion, dissension, contradiction, prejudice, dogmatism—these go but a little way toward real understanding. For thousands of years men have tried these, and in these thousands of years they have made little progress aside from what was forced upon them by natural selection and the ordinary evolutional forces. Their views and their ways are useful, but useful mostly as warnings.

Too much will scarcely be said upon this matter of rational purposive undertaking. Only thus do we discover truth. Only thus do we displace ignorance. Only thus do we correct speculation. Only thus shall we get entirely out of the woods of superstition. Only thus shall we be able

to increase in ourselves and create in others that more general human interest so needed to make the method and results of science universal.

THE MORAL ARGUMENT

A proper magnanimity on the part of the conqueror endeavors to do justice to the conquered. The present always owes it to the past to write its history. The men who have literary power must be the scribes for those who went before but had it not. The historian, the scientist, the anthropologist, the archæologist, and the geologist must do justice to the men of all former times. There rests upon them the stringent moral obligation to pick up every possible letter and line of human career from the great book of Nature, and with these to write history and make a science of man. He is a most ungracious victor who would not deliver the funeral address for him whom he has slain. The least that we who are in possession of these fair Iowan acres can do, is to pay the fullest and justest tribute by way of record and estimate to those who have previously occupied this soil. To us has come the heritage without struggle and without loss of blood or treasure. This hardship our pioneer forefathers endured. This wrong of forcible possession (if wrong it was) they perpetrated. For our peaceable abode we are neither to be credited nor blamed. To us is the blessing, and upon us is the responsibility. As sons of the victors we owe to the conquered a tribute which is fast becoming tardy. We owe it as the survivors in a conflict to pay what only is due to those once dispossessed. We owe it as the only small return possible for our incalcul-

able gift. We owe it as the least we can do to correct in our own and in posterity's minds the one-sided influence and prejudices against the vanquished. We owe it as lovers of literature, of truth, and of justice to pass on to posterity a magnanimous account of the races whose further development our race cut off.

DUREN J. H. WARD

IOWA CITY, IOWA

A GENERAL SURVEY OF THE LITERATURE OF IOWA HISTORY

English scholars are still at loggerheads over the relative merits of the two schools of historical study and research, the archæological and the philosophical. One camp, ably led by Round, insist that history is a science, and not literature at all; that it is not written for the general public; that it is weakened by so much as makes it interesting; that it is, in fact, simply a grouping of documentary evidence exhaustively covering a given period. The other camp, as ably led by Frederic Harrison and Andrew Lang, maintain that the true historian is more judge than reporter; that, however great his dependence on the archæologist, he must ever write about men and events "in a human kind of a way," his distinguishing quality being "a constructive imagination," and that, therefore, his work is essentially literary.

Undisturbed by old world controversies over definitions, pleased to accept from any source any genuine material bearing upon Iowa's past, and always willing to give every contribution the credit to which it may justly be entitled, the student of Iowa history gladly welcomes all who have anything to bring to his table, whether it be the dry bones out of which with the aid of his constructive imagination he may reproduce the past, or the work of the contemporaneous historian, whose temperament and whose relation to the events he describes must ever be borne in mind by the reader.

The history of Iowa may for the sake of convenience be divided into periods as follows: (1) The Territorial Period. (2) The Pioneer Period of the Commonwealth. (3) The War and Reconstruction Period. (4) The Contemporaneous Period, or the Present.

THE TERRITORIAL PERIOD

1. The history of the territorial or constitution-making period has recently found expression in a historical work entitled, *History of the Constitutions of Iowa.*[1] This volume, as the title implies, is an account of the political foundations of the Commonwealth. Beginning with the Louisiana Purchase, rapidly passing on to the epoch of the explorer and the fur-trader, during which Iowa was part of the vast Territory of Michigan, lingering longer over Iowa's two-years' career as part of the Territory of Wisconsin, giving the extended space which its importance demands to the eight years' career of Iowa as a Territory and to the first eleven years of Iowa as a State, the importance of this work as a political history can not well be over-estimated. Especially interesting and valuable is the chapter on the Squatter Constitutions, for we must go back to the "squatters" of the thirties to find that starting point of character and conditions which in large measure accounts for the Iowa of today. Still more important as an addition to history is the main body of the work covering the constitution-making years, 1840–46. During those years the new Territory went through several campaigns of education, these finally result-

[1] *History of the Constitutions of Iowa.* Historical Department of Iowa. Des Moines. 1902.

ing in the adoption of a State Constitution satisfactory both to Congress and to the people of the Territory. The debates in Congress and the discussions in the newspapers and on the stump over the question of statehood, and as to the kind and quality of statehood, are here for the first time brought together in their proper sequence. The reader is strongly impressed with the prominence given the Territory of Iowa in the congressional debates of the early forties. The last two chapters of the book, devoted to the Constitutional Convention and the Constitution of 1857, briefly present the incidents and the results of that first—and, down to date, only—attempt on the part of the State of Iowa to improve upon the foundation work of its pioneers.

2. The substantial foundation in character and convictions upon which the new State was builded finds illustration in the official utterances of Iowa's territorial Governors. For example, Governor Lucas' first message, in 1838, strongly urged the free common-school system. Note his earnestness:

> There is no subject to which I wish to call your attention more emphatically than the subject of establishing, at the commencement of our political existence, a well-digested system of common-schools.

Two years later the Governor urged the adoption of the township system of aid to public schools as fostered by the general government.

The present freedom of Iowa law from legal verbiage received its first bent from Governor Lucas. Himself a lawyer, he early recommended that, "in laying the foundations of a system of jurisprudence in the Territory," it was advisable to unite "in simplifying not only our laws, but

the rules of practice and proceedings, ... and to exclude therefrom as much as practicable, everything of a fictitious or ambiguous character."

It is hard for residents of other States to comprehend the firmness with which Iowa clings to her "settled policy," making the prohibition of the saloon the rule of the State and the payment of a mulct tax the local exception to that rule. In his second message, in 1840, Governor Lucas urged upon the legislature the repeal of all laws granting license to retail ardent spirits. He then added:

> But should the foregoing recommendation be deemed inexpedient, I would suggest an alteration in the laws, so that no license to retail ardent spirits or other intoxicating drinks, should be granted by any authority in any county within the territory of Iowa, *unless a majority of the legal voters in such county, should vote in favor of granting such license at their respective annual elections.*

His Whig successor, Governor Chambers, also grew eloquent over the evils of intemperance and the necessity of bettering the public schools; but the treaty with the Sac and Fox Indians, by which a vast region of the Territory was thrown open to actual settlers, was Governor Chambers' crowning achievement in practical statesmanship.[1]

Governor Clarke, the last of the territorial Governors, in 1845, sounded the first note of warning against the evil of over-legislation and against a tendency to extravagance in public expenditures.[2]

3. Embedded in the laws of the Territory is a mass of history-making material which can not be omitted in any

[1] Treaty of 1842, *U. S. Statutes at Large*, vol. VII, p. 596.

[2] Message of December 3, 1845.

review of the literature of Iowa history. It is free from verbiage, revealing on every page the thoroughness of the emancipation from old-world formalism. The titles of the laws from 1838 to 1846 would seem to cover well-nigh every point of possible difference between man and man, between individuals and corporations, and between corporations. No one can study this crystalization of experience into statutes without becoming impressed with the splendid equipment of the Territory for the burdens and the privileges of statehood.

4. We must go to the territorial court reports for the practical application of these laws to concrete cases. The very first case in the supreme court reports, in 1839, is full of historic interest. It is *In the matter of Ralph (a colored man,) on Habeas Corpus*,[1] and defines the status of the negro in the Territory. The findings of the court, as annotated by reporter Morris, are:

> Where a slave goes with the consent of his master to become a permanent resident of a free State, he can not be regarded as a fugitive slave. The act of 1820, for the admission of Missouri into the Union, which prohibits slavery north of 36 deg., 30 min., was not intended merely as a naked declaration, requiring further legislative action to carry it into effect, but must be regarded as an entire and final prohibition. The master, who subsequently to this act, permits his slave to become a permanent resident here, can not afterwards exercise any acts of ownership over him within this territory.

This pioneer court's independence of the letter of the law and its jealous regard for the rights of the individual are seen

[1] 1 *Morris* (Iowa) 1.

in Justice Mason's emphatic *No* to the appeal in the case of *Hill against Smith and others*,[1] in 1840:

> It is contrary to the spirit of our institutions, to revive without notice, a penal statute, grown obsolete by long disuse; especially when the general current of legislation shows the statute to have been regarded by the legislature as no longer in force. Custom can repeal a statute.

5. Following are a few of the out-of-print works bearing upon this period: Monette's *History of the Mississippi Valley*;[2] Fulton's *Red Men of Iowa*;[3] Lea's *Notes on the Wisconsin Territory*;[4] Drake's *Life of Black Hawk*;[5] and Wilkie's *Davenport, Past and Present*.[6]

Among the valuable brochures issued by the State Historical Society especial mention should here be made of *Iowa Historical Lectures* (1892) and *Historical Lectures on Early Leaders in the Professions in the Territory of Iowa* (1894), severally contributed by T. S. Parvin, J. L. Pickard, C. M. Hobby, Emlin McClain, William Watson, and L. F. Parker.

Early mention should be made of the quarterlies issued

[1] 1 *Morris* (Iowa) 70.

[2] *History of the Discovery and Settlement of the Valley of the Mississippi, etc.* By John W. Monette, M. D. 2 vols. New York. 1846.

[3] The *Red Men of Iowa*. By A. R. Fulton. Des Moines. 1882.

[4] Lieutenant Albert M. Lea's *Notes on the Wisconsin Territory, etc.*, was published at Philadelphia in 1836. This book of 53 pages is very rare.

[5] *Life and Adventures of Black Hawk, with Sketches of Keokuk, the Sac and Fox Indians, and the late Black Hawk War*. By Benjamin Drake. Cincinnati, Ohio. 1844.

[6] Franc B. Wilkie's book was published at Davenport in 1858.

by the State Historical Society of Iowa and by the Historical Department of Iowa. The first series of the *Annals of Iowa*, covering the years 1863–74, published by the State Historical Society, was edited respectively by S. S. Howe, T. S. Parvin, Frederick Lloyd, and S. W. Huff, and its contributors included many of the ablest and most prominent pioneers of the Territory and State. The second series of the *Annals*, including the years 1882–84, was chiefly the work of S. S. Howe by whom it was privately published. This publication was succeeded in 1885 by the *Iowa Historical Record*, edited first by Frederick Lloyd and then by J. L. Pickard. The *Record* was discontinued with the number dated October, 1902, the publication to be succeeded by the *Iowa Journal of History and Politics*. The third series of the *Annals of Iowa*, issued from the Historical Department of Iowa, must ever be regarded as a monument to the foresight and resultful labors of its founder and editor, the Hon. Charles Aldrich, Curator of that department. This series is especially rich in literature bearing upon pioneer life in Iowa, its editor and many of its contributors being themselves part of the history of their State.

Before passing to the second division of the subject, let us take a parting glance at the Territory as seen by John B. Newhall "when the Iowa boom was on." In his book, *Glimpses of Iowa*, published in 1846, Mr. Newhall says:

> The writer of these pages, frequently having occasion to traverse the great thoroughfares of Illinois and Indiana, in the years 1836–7, the roads would be literally lined with the long blue wagons of the emigrant slowly wending their way over the broad prairies—the

cattle and hogs, men and dogs, and frequently women and children, forming the rear of the van—often ten, twenty, and thirty wagons in company. Ask them when and where you would, their destination was the "Black Hawk Purchase."[1]

THE PIONEER PERIOD OF THE COMMONWEALTH

In our general survey of the historical literature of the pioneer period of the Commonwealth we must again go back to the original sources already consulted.

1. The files of the *Congressional Globe* indicate that Iowa's attitude toward the slavery question, at first conservative, underwent a radical change in 1856. In 1850, Senator Dodge opposed "slavery in the abstract" but supported it on constitutional grounds. He was "willing and anxious for the passage of the fugitive slave bill" and affirmed that his constituents were not "negro-stealers."[2] At the next session thereafter Senator Jones presented resolutions passed by the Iowa legislature declaring, with reference to the reactionary measures of the previous Congress, that it was "the duty of all good citizens to carry them out in good faith, seeking their modification or repeal, if such should be necessary, in the manner contemplated in the constitution and the laws."[3] The Senator was certain that "the resolution reflected the sentiments of the Democratic party and of a small portion of the Whigs of Iowa." Senator Dodge boasted that he and his colleague, Senator Jones, were two of the three senators who voted for the fugitive slave law, and that since then his

[1] See page 12.

[2] First Sess., 31st Cong., p. 1085.

[3] First Sess., 32d Cong., p. 700.

colleague had been returned without objection from Democrat or Whig on account of his votes on this bill.[1] In 1856 the voice of Senator Harlan was heard in favor of a bill authorizing the people of Kansas to form a Constitution.[2] Senator Jones affirmed that Harlan's views were not those of the people of Iowa.[3] The following winter, the Iowa legislature put itself on record as "unqualifiedly opposed to the further extension of slavery within the jurisdiction or by the sanction of the general government," insisting that Congress should "exert all constitutional power to preserve our national territory free."

2. In passing to the consideration of early state legislation as a source of history, we may well recall the words of a statesman whose eloquent speeches and addresses are part of the literature of Iowa history. Said Senator James F. Wilson in an address before the makers of the Iowa Constitution at their reunion in 1882:

> Law is history. A substantially correct history of a people may be written from a copy of their laws..... The growth of a nation may be read in the laws. They tell us how it commenced, how it progressed, what point of excellence it reached, when it faltered and how it failed. They tell us of its moral conditions, its degree of intelligence, its pursuits, its dominant thoughts, its characteristic traits. In the lines of its laws, we read of its trade, its commerce, its occupations, its times of peace, its preparations for conflict, its victories and defeats..... For the things which most nearly, practically and definitely affect a people are almost sure of a lodgment in their laws.

[1] First Sess., 33d Cong., Appendix, pp. 376, 382.

[2] First Sess., 34th Cong., Appendix, p. 270.

[3] The same, p. 405.

The messages of the pioneer Governors to the pioneer legislators of the State abound in the material of which history is made. This is preëminently true of those which bear the name of James W. Grimes. Let a single reference suffice, at present, as showing the quality of the man behind the message. In December, 1854, two years before the Republican party began its career as a national party, Governor Grimes officially filed his protest against the repeal of the Missouri Compromise, the conclusion of which reads:

> It becomes the State of Iowa—the only free child of the Missouri Compromise—to let the world know that she values the blessings that the compromise has secured to her, and that she will never consent to become a party to the nationalizing of slavery.[1]

The Iowa General Assemblies of this period were engaged mainly in the pioneer work of carving out new counties, making roads, granting rights of way to railroad corporations, strengthening the common school system, founding a state university, studying constitutional questions, ratifying the work of the constitution-makers, and in various other practical ways developing the theory of local self-government upon which the Commonwealth was founded. It is interesting to note in passing that the present policy of merging railroad organizations had its forerunner in an act passed by the Fifth General Assembly of Iowa (1854–5) authorizing railroad companies "to consolidate their stock with the stock of railroad companies in this, or an adjoining state, and to connect their roads with the roads of said companies."

[1] Inaugural address, December 9, 1854.

The opinions of Justices Wright, Stockton, Greene, and other able jurists who were early called to the supreme bench of the State are interesting "human documents" revealing rare strength of mind, clearness of logic, and sturdy common sense in the fitting of new duties to new occasions.

3. No other chapter of Iowa history has been quite so thoroughly written as that which is related to events grouped around the Spirit Lake Massacre of 1857. In this connection, of prime importance as a first-hand contribution is Mrs. Abigail Gardner Sharp's little book entitled *History of the Spirit Lake Massacre and Captivity of Miss Abbie Gardner.*[1] Though somewhat marred by "fine writing," the work is valuable as a story told from memory by the sole survivor of the tragic events pictured. The following extract will suggest the human interest which attaches to the story:

> Near the ghastly corpses and over the blood-stained snow; with blackened faces, and fierce and uncouth gestures; and with wild screams and yells, they circled round and round, keeping time to the dullest, dreariest sound of drum and rattle, until complete exhaustion compelled them to desist.

4. John Brown's several sojourns in Iowa (in 1857–8–9) have developed several papers in the *Annals*, a chapter in Grinnell's *Men and Events*,[2] a first-hand contribution from Lieutenant Governor Gue in the *Midland Monthly*, and fifty

[1] This book was published at Des Moines in 1885.

[2] *Men and Events of Forty Years: Autobiographical Reminiscences of an active career from 1850 to 1890.* By Josiah Bushnell Grinnell. Boston. 1891.

well-written pages entitled *John Brown among the Quakers*, by Mr. Irving B. Richman.[1] Mr. Grinnell's sketch of the great fanatic begins thus interestingly:

> A ring at my door, March, 1859. "Good evening, sir. I am a stranger here—pardon me—is this Mr. Grinnell?" "That is my name." "I have heard of you and do not feel like a stranger, for you married a daughter, I am told, of my old friend, Deacon Chauncey Chapin, of Springfield, Mass., where I once resided."
>
> "Will you come and see the daughter?" "Yes, I am chilly riding, and wish to open my errand privately."....
>
> He accepted an invitation to tea; and his attentions to the little girl, our prattling Mary, soon brought her playfully to his knees.
>
> "Let me see you in the hall a moment; I am not here for a social visit—I am the *awful Brown* of whom you have heard—Captain John Brown of Kansas."

5. The historical periodicals contain much that bears upon those first years of statehood. Charles Aldrich, T. S. Parvin, Dr. Salter, Lieutenant Governor Gue, Hiram Price, Judge Wright, Governor Carpenter, Judge Springer, Colonel Gatch, Captain Ingham, Tacitus Hussey, and many others have done the State excellent service in their columns.

6. Interesting works have been written by present-day writers on certain striking sociological phases of Iowa history. Prominent among these are Dr. Albert Shaw's *Icaria*, issued in 1884,[2] and the late William Rufus Perkins' *The Amana Society*, a historical monograph issued from the State Uni-

[1] *John Brown among the Quakers and other Sketches.* By Irving B. Richman. Revised edition. Historical Department. Des Moines. 1899.

[2] *Icaria: A Chapter in the History of Communism.* By Albert Shaw. 1884.

versity of Iowa.[1] These have been supplemented by magazine articles by Bertha Horack Shambaugh,[2] Barthinius L. Wick,[3] Richard T. Ely,[4] and others.

7. The Pioneer Law-makers' Association of Iowa has published reports of its re-unions. These reports contain not a few first-hand contributions to history in the form of letters, addresses, and impromptu remarks by prominent lawyers and legislators. To these reports the student of Iowa history must go if he would make that close personal study of the evolution of a Commonwealth without which the history of the State would be incomplete.

THE WAR AND RECONSTRUCTION PERIOD

1. The heroic period of Iowa history (1861–5) is well covered by regimental and company histories, Loyal Legion papers, a series of war sketches in the *Midland Monthly*, and a large number of individual contributions to the *Annals of Iowa* and the *Iowa Historical Record*. Several of the county histories add to the mass of war material. Stuart's *Iowa Colonels and Regiments*[5] is an interesting grouping of events about the military careers of Iowa's most famous

[1] *History of the Amana Society, or Community of True Inspiration.* By William Rufus Perkins and Barthinius L. Wick. State University of Iowa Publications. 1891.

[2] *Midland Monthly*, July, 1896; *The World Today*, October, 1902; *Report of the Iowa Commissioner of Labor Statistics*, 1901.

[3] *The Amish Mennonites.* Published by the State Historical Society of Iowa. 1896.

[4] An article on *Amana* in the October, 1902, number of *Harpers' Magazine.*

[5] This volume was published at Des Moines in 1865.

soldiers. Ingersoll's *Iowa and the Rebellion*[1] is not to be omitted in any mention of the State's war history.

2. The one comprehensive historical work covering this entire period is *Iowa in War Times*, by S. H. M. Byers.[2] Major Byers' book of over six hundred pages tells in stirring words the story of Iowa's splendid response to every call for troops. It pictures the advent of Grant upon the troubled scene in Missouri; it takes the reader to Belmont, Donelson, Pea Ridge, Shiloh, Iuka, Corinth, Prairie Grove, Port Gibson, Champion Hills, Black River Bridge, Helena, and Vicksburg, and tells him of Iowa's part in the events for which those names stand. The scene next shifts to Chattanooga, Lookout Mountain, and Missionary Ridge. The disastrous Red River campaign follows, and then the story of several "engagements," beside which the "battles" in our recent war are mere skirmishes. Then follows a vivid picture of the "March to the Sea" which the author has since immortalized in epic and lyric verse. We next turn back to Hood's invasion, followed by the battle of Franklin, and of Nashville. The reader is next translated to the Shenandoah valley, thence to the Carolinas, finally rounding up in the national capital. Sketches of Iowa soldiers, Iowa regiments, and Iowa activities at home, with much other material, are also included in this work—a work the historical value of which has not as yet been generally appreciated.

[1] *Iowa and the Rebellion; A History of the Troops furnished by the State of Iowa to the Volunteer Armies of the Union, which conquered the Great Southern Rebellion of 1861–5.* By L. D. Ingersoll. Philadelphia. 1866.

[2] This book of 799 pages was published at Des Moines in 1888.

3. The files of the *Congressional Globe* during this period give no uncertain sound from Iowa's stalwart senators, Grimes and Harlan, and from Representatives Wilson, Price, Grinnell, Kasson, and others on such vital questions as the vigorous prosecution of the war, emancipation, and the arming of the negroes.

4. The war messages of Governor Kirkwood, and the responses of Iowa's legislatures are in part brought out in Lathrop's *Life and Times of Kirkwood*, to which work further mention will be made hereafter.

Let us pause at this point long enough to consider briefly the lives of the great triumvirate of statesmen to whom reference has already been made. Though their personalities are vividly recalled by many who belong to the present, their respective careers essentially belong to Iowa's past.

1. The *Life of James W. Grimes*, by William Salter,[1] is, as the author says in his preface, "substantially autobiographical." In fact its author too severely repressed his own strong personality, believing he might thereby the better develop his subject. This best of Iowa's biographies brings to the front of the reader's vision a character of superb strength and a career of rare usefulness. It also throws many a side-light upon the territorial, early statehood, and war periods of Iowa's history. As citizen, lawyer, pioneer legislator, campaigner, executive officer, and constitution-maker, he is found to have been possessed of uncompromising honesty, rare moral courage, and the statesman's

[1] This book was published in 1876, and bears the imprint of D. Appleton & Co. New York.

gift of prophecy. Two events in his life well represent these qualities.

In 1854 the country was agitated over an attempt to repeal the Missouri Compromise which prohibited the extension of slavery into Kansas and Nebraska. Grimes was the candidate of the Whig party for Governor. That party was thought to be in a hopeless minority. The nominee, then only thirty-eight years old, put into the campaign a degree of intellectual and moral force which was the delight of his supporters and a surprise to his opponents. In a letter to his wife, dated Glenwood, June 18, 1854, he gives this vivid picture of one "situation" as he found it, and as he left it:

> When I came here, I found that the population was entirely Southern. My friends were tender-footed, and did not wish me to denounce the Nebraska infamy. I did not tell them what I would do, but when we met in the court house I told them that the principles I maintained on the Mississippi River I should maintain and express just as boldly on the Missouri River. I then discussed the subject an hour, and pleased both my friends and enemies. They all saw that my principles did not change with a change of latitude, and they applauded me to the skies. Although this is a Democratic county, my friends assure me that I will receive fifty majority in the county.

Fortunately, we have the substance of this campaign speech in a published address to the people of Iowa. After calmly reciting the history of the Missouri Compromise the campaigner proceeded to an argument against repeal, first on the ground of expediency and then on the ground of duty, concluding with an appeal to the public conscience. These are his concluding words:

I am content that the slaveholders of the South may possess their slaves and be responsible for their control over them to their own laws and their own consciences. I will not even presume to judge them. But, with the blessing of God, I will *war and war continually* against the abandonment to slavery of a single foot of soil now consecrated to freedom. Whether elected or defeated—whether in office or out of office—the Nebraska outrage shall receive no "aid or comfort" from me.

His election to the governorship made James W. Grimes the leader of political thought in Iowa—and in the entire West as well. Salmon P. Chase in a congratulatory letter declared this representative of "the extreme West" entitled to "the honor of being first to lay down the great principle on which the slavery question must be settled, if peacefully settled at all."

No less courageous was Senator Grimes' position in 1868 on the impeachment of President Johnson. He saw in the proposed impeachment "a movement which might result in making ours a sort of South American republic where the ruler is deposed the moment the popular sentiment sets against him." Two months after he thus stated his views in a letter to his wife, Senator Grimes delivered a lengthy opinion, the logic of which, as regarded from the standpoint of today, is simply impregnable. He maintained that conviction would establish the complete supremacy of Congress over the other branches of government. He had "no apology to make for the President's speeches. Grant that they were indiscreet, indecorous, improper, vulgar; shall we not, by his conviction on this [the eleventh] article, violate the spirit of the Constitution which guarantees to him the freedom of speech?"

His conclusion was a crystalization of the whole argument into a few forcible sentences, such as the following:

> I cannot agree to destroy the harmonious working of the Constitution for the sake of getting rid of an unacceptable President. Whatever may be my opinion of the incumbent, I can not consent to trifle with the high office he holds. I can do nothing which, by implication, may be construed into an approval of impeachments as a part of future political machinery.

The strain of that long-drawn-out impeachment trial and the abuse and detraction which followed his vote of "Not guilty," all together resulted in a physical catastrophe from which the Senator never recovered. Two days after the delivery of his opinion, Senator Grimes, while at his post of duty in the senate-chamber, was stricken with paralysis. He lived long enough thereafter to receive from his congressional associates and from the people of his own State many gratifying assurances of their continued respect and confidence.

2. The *Life and Times of Samuel J. Kirkwood*,[1] by H. W. Lathrop, though far from being a finished literary production, without the touch of the critical biographer, and wanting in reference dates and table of contents, is one of the most important of the many individual contributions to Iowa's biographical history. It is valuable both as a semi-official history of Iowa's part in the Civil War, and for the vivid pictures of early life in Iowa, especially during the war period. Mr. Lathrop has quoted liberally, and wisely,

[1] Mr. Lathrop submitted his manuscript to, and secured the approval of, Governor Kirkwood. The book was published by the author at Iowa City in 1893.

from the writings and speeches of the great war Governor. As in the case of Senator Grimes, these quoted utterances reveal a character combining rare wisdom and strength. The personality portrayed in the narrative is one which in picturesqueness is scarcely surpassed by even that of Lincoln himself.

Among the incidents included in this work is one showing how destiny, or providence, or chance—call it what you will—drew the Johnson County miller into politics.

There had been published a mysterious call, signed "Many Citizens," for the organization of a Republican party in Iowa "to make common cause with a similar party already formed in several other of the States," against "the evident purpose of the Democratic party to nationalize slavery." On the day of the convention (Feb. 22, 1856), Kirkwood's partner, Ezekiel Clark, drove from Iowa City to the mill near town, where he found the future statesman hard at work as usual. He asked him if he wasn't going to attend the meeting. Kirkwood, who had but recently emigrated from Ohio, said those in attendance would be strangers to him, and besides there was so much to do in the mill he couldn't well leave. When told that one or two old friends from Ohio would be there, he decided to attend. Several of his Iowa City neighbors, who knew of his successful career in the Ohio legislature, by agreement, started a call for a speech from Kirkwood. While the call was being made, loud whispers of "Who's Kirkwood?" were heard around the room. The Ohio man eloquently responded, and from that time on there were few in Iowa who didn't know all about Samuel J. Kirkwood.

That picture of the rival candidates for Governor in 1859 as they entered Washington, Iowa, is a fit subject for the painter's brush. General Augustus Cæsar Dodge, ex-minister to Spain, and the Democratic nominee for Governor, was driven into town in a "coach and four," as befitted his recent association with royalty. Kirkwood, the farmer and miller, nominee on "the plow-handle ticket," arrived ahead of the General and was seen seated in "a good-sized wagon with a hay-rack on," the wagon drawn by two yoke of oxen. The cheers of the crowd frightened the oxen and they began to run, but their owner applied the whip and "drove them around the square in true farmer style." Suffice to say that the contrast, completed by the grand *entrée* of the ex-minister, was very effective.

The patriotic and prompt action of Governor Kirkwood in putting troops into the field, faster than they could be cared for by the Government, the personal sacrifices he made and the financial risks he ran in borrowing money for the feeding and clothing of the men in the field, are told from the records.

There was not a man in the whole State of Iowa—Grimes and Harlan not excepted—who could more effectively reach and move the plain people. His own personal plainness, his quaint humor, his wealth of illustration, his wide range of experience—as lawyer, legislator, store-keeper, farmer, and miller—a naturally logical mind, and a courage at times approaching audacity, altogether made him well-nigh irresistible in debate and on the stump.

Perhaps the best illustration of these qualities is Governor Kirkwood's Sherman hall speech in Des Moines, Sep-

tember 4, 1861. No outline can convey an adequate conception of the combined cleverness, boldness, and effectiveness of this appeal to the latent conscience and patriotism of the people. Fault had been found with him as chief executive. Some thought him lacking in energy and efficiency. He frankly admitted his errors in judgment. Hindsight was so much better than foresight. He pressed this matter not on his own account; what should become of him was of little consequence; but "upon you and each one of you the Administration leans for support, and, I say it plainly and boldly, you are not standing by that Administration as you should stand by it."

Did ever a candidate for reëlection look a people in the face with more of courage? But he had more to say in the same plain-spoken way. He had visited the national capital recently, and this was the message he brought back with him:

> I say to you, what I think I know, that this same spirit of fault-finding, this same spirit of denunciation, is discouraging and weakening your Administration at Washington. It has to fight Jeff. Davis and Beauregard on the one side, and men who should rally round it on the other.....
>
> It has been said that the Iowa volunteers have not been clothed as well and as rapidly as they should have been clothed. That is *your* fault, not mine. I had not the money to do that. *You* have it and I have not been furnished with it. The clothes worn by your First, Second, and Third Regiments to-day have not been paid for!... After they were mustered in at Keokuk, Ezekiel Clark, Hiram Price of Davenport, and your speaker *borrowed on their private credit* the money—some $30,000—which was required to pay them, and paid it, and the debt is unsatisfied today.....

If there be fault in this connection, on whom does it rest?.....

You should at least endeavor to help furnish the means to refund this money, by subscribing for State bonds. I grew pathetic in a newspaper appeal, a few days since, asking you to subscribe for State bonds.... And let me say plainly—though as a candidate I ought not to talk so to you—that, in so doing, you would be performing your duty as well as in carping and fault-finding.

Now I am probably making a mistake. I don't know. I ought perhaps to make handsome vows, speak soft and honeyed words, things I can not do; but I will tell you the truth, as I understand and believe it, and if you don't like it you have the remedy in your own hands, you know.

Having thus fearlessly and fully freed his mind, the Governor proceeded to tell his hearers the story of what the Iowa executive had actually done despite the lack of money. He grew eloquent over the cause of the war. He dwelt on the leniency of the administration, making its cause therefore the stronger. "And now, my friends," he asked, "what is our duty?" And with tremendous force came the answer: "*We must put down rebellion.*"

The Governor, by this time fully relieved of his message to his people, dropped into that vein of humor which never failed to send his audience home in good spirits.

The impress of this "plain, blunt man," who loved his country even more than his friends, is deep and indelible, and the literature of Iowa history must ever give large prominence to the public career and public utterances of Iowa's war Governor.

3. The life of James Harlan is yet to be written. Senator Harlan's biographer will be compelled to make the *Congressional Globe* his text-book, and to have frequent

recourse to the files of the Iowa press. Nor will he neglect the historical periodicals of the State.

A loving tribute to the man and a keenly appreciative estimate of his career appeared in the *Midland Monthly* of March, 1894, written by the late Samuel M. Clark, a generous free-hand contributor to the literature of Iowa history. Let a few characteristic sentences from this source suffice as showing the author's conception of the character.

> Hard work was structural with him.
>
> A faithful and even affectionate response to every friendly appeal has been made the habit of his life.
>
> Mr. Harlan is universal and orbicular-minded. He sees everything in large and universal relations, and is a teacher of teachers.

Mr. Clark's grouping of incidents of 1870–71, leading down to Senator Harlan's famous defence of President Grant from the assault of Senator Sumner, is highly dramatic.

This general survey would be sadly incomplete without some typical utterance of the virile Iowa senator whose speeches were events. Of his many speeches in Congress, perhaps the one already referred to was the most immediately resultful and is the one most vividly recalled. Senator Harlan first recited the story of occurrences leading down to the charge that the President had engaged our navy "in measures of violence and belligerent intervention, being war, without the authority of Congress." He said:

> You may travel through these long columns of extracts and comments which required several hours in their delivery, and you will find the whole case stated in that brief sentence, that the President instructed the officers of the navy to maintain the peace in Dominica

within the limits of that republic, and, if need be, to repel foreign invasion during the pendency of the treaties. There proved to be no necessity for the use of force, and none was used, either within the limits of the republic or against any foreign power. There was, therefore, no act of war, no single act of violence.... Not one gun was fired, not one American soldier in hostile attitude trod the soil of the Dominican republic.

Then followed an extended colloquy in which Sumner maintained that the President had no belligerent powers without sanction of Congress. Harlan showed from the record that every President from Washington to Buchanan had anticipated congressional action. Schurz came to Sumner's rescue by citing Mexico. Again interrupting he asked:

[Mr. Schurz.] Does not the Senator know that war can be brought on by an attack on us without declaring it?

[Mr. Harlan.] Not unless we resist.... That is the very point in issue.

[Mr. Sumner.] I beg the Senator's pardon; no such ground has been taken. Everybody, I take it, recognizes the right of national defense.

[Mr. Harlan.] I expected to drive both Senators from their position before I closed. I had not expected them to yield so early in the discussion.

With a few closing words on the unseemliness of the assault upon the President in advance of the report of commissioners sent by Congress to San Domingo, and the evident purpose of the assault—to lay the foundation for the President's removal—Harlan moved to lay the Sumner resolutions on the table. The motion carried by a vote of 39 to 16!

Thus, for the second time in three years, was the Nation

saved from mexicanization, and that too, by the courage and logic of an Iowa senator.

In April, 1891, the late Frank Hatton gave to the press a notable contribution on the life and public services of James Harlan, declaring the subject of his sketch to be "the most influential senator," and "the most effective and powerful political speaker, Iowa ever produced."

Gen. James B. Weaver, though long alienated from the party of Grimes and Harlan, still retains profound admiration for both these statesmen. In the whole range of invective it would be hard to find language more scathing than that which General Weaver used in the *World Review*, of November 30, 1901, in commenting on the defeat of Harlan in 1871.

Among the notable Iowa biographies should again be mentioned *Men and Events of Forty Years*, a series of "autobiographical reminiscences of an active career from 1850 to 1890," by the late J. B. Grinnell.[1] Its scenes from pioneer life in the fifties are highly impressionistic, making clear many a confusing page of Iowa history. Its descriptions of public men are so many flash-light pictures. In the main, the artist was fortunate in having caught the subject's characteristic pose.

Iowa has had until now[2] but one history covering at

[1] Published by D. Lothrop Company, Boston.

[2] *History of Iowa, from the Earliest of Times down to the Twentieth Century*, is the title of a four volume work announced by the New Century History Co. of New York. The work has been prepared by Lieutenant Governor B. F. Gue, of Des Moines.

the time of its publication the entire period of its existence as Territory and State. I refer to the *Illustrated History of Iowa*, by Tuttle and Durrie, published in 1876. It was one of a series of histories written to order by Prof. Charles R. Tuttle, of Madison, Wis., and "sold only by subscription," by R. S. Peale & Co., Chicago. The part contributed by Mr. Durrie was slight, being chiefly a summary of Iowa legislation. This pioneer history has some value because it covers in a general way a theretofore partially trodden field; but the reader is compelled to take the author at his word in his modest introduction which says: "In the preparation of this volume I have not aimed so much at literary excellence as to produce a work of usefulness." The limitations of the pioneer historian were realized by himself, for farther on he says:

> The history of Iowa is my sixth book and fourth state history. I regret that I was unable to bring to my assistance a long residence in the State, which is so necessary to the success of such an undertaking; yet, after all, scarred with errors as it may be, I fancy this work will serve a purpose of some value to the great State of which it treats, and be the means of preserving the materials for a better history which future generations will demand.

Many works not as yet mentioned in this review are entitled to a place in any thorough evaluation of the sources of, or bibliography of contributions to, the history of Iowa. Of the later publications the following should be mentioned: *Die Deutschen von Iowa und deren Errungenschaften*, by the veteran Iowa editor and publisher, Joseph Eiboeck;[1] Fox's *History of Political Parties and National*

[1] Published at Des Moines in 1900.

Reminiscences;[1] *Institutional Beginnings in a Western State*, by Prof. Jesse Macy of Grinnell;[2] *Progressive Men of Iowa*, published by Conaway & Shaw;[3] Chandler's *History and Civil Government of Iowa*,[4] and *Iowa and the Nation;*[5] Ainsworth's *Recollections of a Civil Engineer;* Seerley and Parish's *History and Civil Government of Iowa;*[6] *The Making of Iowa*, a series of historical sketches, by ex-State Superintendent Henry Sabin and Edwin L. Sabin, one of the coming litterateurs of Iowa; Holbrook's *Recollections of an Nonagenarian;* Adams' *The Iowa Band;* and Elizabeth H. Avery's *Some Fragments of Iowa History, Gathered from the Records of Congress.*

THE CONTEMPORANEOUS PERIOD

Space will not permit the protraction of this review beyond the war and reconstruction period. It must suffice simply to say that within the memory of men yet in middle life there has been much history-making in Iowa and by Iowans in the councils of the Nation. In the volumes of the *Congressional Record* there stand out prominently the parts taken by Iowa statesmen on all the great questions of our time, such as the tariff and its complement, reciprocity, the currency, appropriations, interstate commerce, civil service

[1] Published at Des Moines in 1895.

[2] Published in the *Johns Hopkins University Publications in Historical and Political Science.*

[3] Published at Des Moines in 1900.

[4] A text book for schools.

[5] A text book for schools.

[6] A text book for schools.

regulation, labor issues, corporate powers and legislation, the war with Spain, and the Philippine insurrection. The Iowa men who stand before the country as representatives of policies on these and other public questions are everywhere finding generous recognition as among the foremost contributors to the solution of these questions.

At home there has also been much history-making. The files of our newspapers are rich in stories of the State's unhalting progress from good to better. Iowa has apparently settled for all time the status of the saloon. In handling the railroad question, having well survived the excesses of grangerism and the reaction from those excesses, it begins the new century with promise of a full and fair solution of that question also. Its citizens, having individually and collectively mastered the problem of financial independence, are now turning their thoughts toward the higher problems of individual and community life, thereby giving abundant promise for the future of the Commonwealth.

JOHNSON BRIGHAM

THE STATE LIBRARY
DES MOINES

SOME PUBLICATIONS

The Iowa Band. New and Revised Edition. By Reverend Ephraim Adams, D. D. Boston and Chicago: The Pilgrim Press. Pp. xx, 240.

This little book, as the author states in his preface, is the story of Congregational home missions in Iowa. The story is told in a very simple and effective way. Mr. Adams (who by the way is the father of Henry C. Adams of Michigan) was one of eleven ministers who came to Iowa in 1843 from Andover Theological Seminary to begin missionary work in the newly organized Territory.

The book is somewhat significant as a contribution to early Iowa history. It suggests rather than elucidates the close relation of the mission churches to the social and political development of the Territory and State. One feels somewhat disappointed that this influence is not more fully dealt with, especially with respect to the question of slavery, as the Congregational churches were early known as the "abolition churches." The influence of "The Band" and their associates was of course most strongly felt through their teachings, hence rather difficult to fully estimate, though their attitude was unquestioned.

Two other matters are treated which have a general interest. One of these is the close relation of "The Band" to the cause of education. "If we can each organize a church and together organize a College," the expressed hope of one of the number, gives the keynote of their plans. Perhaps the most gratifying fact about these efforts, which finally founded Iowa College at Grinnell, was the thoroughly non-sectarian *spirit* with which the work was undertaken. The New Presbyterians joined hands with "The Band" to start the educational movement, and remained for some time connected with the College.

It would indeed be interesting to trace the influence of this movement upon the development of our common school system.

Another interesting part of the book is that treating of the effect of intermingling, upon the denominations in the Territory and the influence of western Congregationalism upon its eastern parent. There is no doubt but that this influence has been beneficial in broadening and deepening the spiritual element as opposed to the formal, thus making it more a religion of the heart while not less of the head.

The book would have been improved had it been thoroughly revised instead of having here and there a supplementary chapter inserted. One forgets now and then whether he is standing at the year 1870 or 1901. But on the whole we should be thankful that Mr. Adams was induced to reprint his interesting little volume. It is to be hoped that he may be repaid by seeing similar contributions inspired from other denominations in the State.

HARRY GRANT PLUM

THE STATE UNIVERSITY OF IOWA
IOWA CITY

Stephen Arnold Douglas. By WILLIAM GARROTT BROWN. Boston and New York: Houghton, Mifflin & Co. (The Riverside Press, Cambridge). 1902. Pp. 141.

Stephen A. Douglas has an especial interest for Iowa since she was one of the seven States admitted to the Union by his good offices while he was chairman of the Senate Committee on Territories.

Mr. W. G. Brown, whose spirited, eulogistic, and readable life of Andrew Jackson was contributed to the *Riverside Biographical Series* two years ago, has just published in the same series a brief life of Senator Douglas, equally spirited, eulogistic, and readable.

The story is vividly told of the poor Vermont boy who leaves the bench of a cabinet-maker to go West, reaches Illinois sick, eager and ambitious, with thirty-seven cents in his pocket. There he wins a debate against a popular leader before he is twenty and becomes for life "The Little Giant," is public prosecutor at twenty-two, member

of the legislature at twenty-three, meeting in that body and beginning his life long duel with that far higher spirit, Abraham Lincoln. At twenty-eight he becomes Secretary of State, and in the same year Judge of the Supreme Court of Illinois, at thirty is in Congress, at thirty-three U. S. Senator, and from that time until his death, at forty-eight, a prominent and influential leader of that august body, a constant candidate for the presidency, and a large factor in national affairs.

With all this success it seems, as we look back, a life of wretched failure; and Mr. Brown's book would be stronger and truer if it showed this somewhat more fully. It was a life apparently with one aim—*self advancement in public office.* The goal was the White House, and it was never attained.

Von Holst's estimates of our public men are not flattering or sympathetic. Some of them are mistaken; but they have the impress of sincerity if not of symyathy. He says of Douglas: "His exterior and manners revealed to a marked and sometimes almost disgusting extent the coarseness and half culture of the growing west." He attributes to him "an adroit tongue, a sharp natural understanding, great presence of mind, a large measure of the shrewdness that borders on cunning." He says he "always presented himself with the entire coarse aplomb of the bold, influential, half educated contestant, who is filled with immeasurable confidence in himself;" that he was "by profession, by nature and inclination a demagogue who desired to satisfy the South without breaking altogether with the North, because this seemed to him the only way for the attainment of the highest goal of his ambition."

On the great controlling issue of the hour, *slavery*, he, a northern man, refused to stand for human liberty, but sought on that radical question a safe middle course. There was none such, and the South deserted him for Breckenridge, and the North for Lincoln. It was his "moral hollowness," as Von Holst styles it, that left him but twelve votes in the electoral college. Something of this appears in Mr. Brown's book; but it is too much glossed over. The rugged

judgments of Dr. Von Holst may help us to a juster, more discriminating, and on the whole more salutary estimate of such a life as that of Stephen A. Douglas.

CHARLES NOBLE GREGORY

THE STATE UNIVERSITY OF IOWA
IOWA CITY

Die Deutschen von Iowa und deren Errungenschaften. — Eine Geschichte des Staates, dessen deutsche Pioniere und ihrer Nachkommen. By JOSEPH EIBOECK. Des Moines: Iowa Staats–Anzeiger. 1900. Pp. 799.

This book takes up a phase of the history of Iowa that has been almost entirely neglected. When we consider that nearly one half (43.1 per cent according to the census of 1900) of Iowa's white inhabitants have foreign born parents and that of these the German element is more than three times as numerous as any other, it certainly seems that German influence in the building of the State is a subject that ought to receive attention. From the standpoint of the student, however, the volume before us is little more than a suggestion, being a compilation of a popular character. Yet even in such a book it would be strange if the author, an editor of German newspapers in Iowa for half a century, had not preserved in its eight hundred pages much that will be of value to future investigators.

As the sub-title indicates, the author does not confine himself to telling of the Germans of Iowa and their achievements, but includes matters of general interest in order that Germans may read about them in "unserer lieben und herrlichen Muttersprache." About seventy-five pages are taken up with such matters as a general sketch of the history of Iowa, its geography, geology, governmental organization, educational and charitable institutions, commercial development, etc. Chapter VIII tells of the Germans of Iowa in the Union army. In it (p. 84) we find the interesting statement that "the first company of militia that placed itself at the disposal of President Lincoln in 1861 was from Burlington, Iowa, and was composed

almost wholly of Germans." If not the first in the United States, it was at least among the very first. (See Byers' Iowa in War Times, p. 40, footnote.) The list of officers of German birth in Iowa Regiments during the war shows 1 major, 1 regimental surgeon, 1 adjutant, 2 quartermasters, 1 assistant surgeon, 28 captains, 27 first lieutenants, and 16 second lieutenants. A later chapter on the Spanish-American war brings out the fact that the Germans were almost unanimous in their opposition to its declaration. In the chapter on Iowa's colonies are descriptions of the Clydesdale, Communia, and Liberty colonies, all of Clayton County, the Icaria colonies of Adams County, and the Amana Society of Iowa County. The account of the "Prohibition Pestilence" and Iowa's breweries presents vigorously the German view that the prohibition legislation was not only a blunder economically, but an infraction of the inviolable rights of citizenship.

Then follow chapters on German activity in the church, the schools, the press, in lodges and societies, in poetry and in public life. The names of the seventy-five Germans in Iowa who are ninety years of age or over are reprinted from the census of 1895. A few pages are devoted to the Israelites in Iowa.

About one half the book is devoted to an account of the German settlements, including over two hundred biographical sketches, and many portraits. These biographical sketches are of course eulogistic, but are of real interest and constitute the most valuable part of the work. The volume closes with some reminiscences of Iowa in the forties and fifties, and miscellaneous legal and practical information.

In a work of this sort, naturally, very little use is made of the statistical method, by means of which a much clearer view could be obtained of the distribution, growth, occupations, etc., of the German population. It is to be hoped that some one will take the present work as an inspiration and investigate the subject from the standpoint of the critical instead of the popular historian.

Max O. Lorenz

The University of Wisconsin
Madison

The History of the Louisiana Purchase. By JAMES K. HOSMER. New York: D. Appleton & Co. 1902. Pp. xv, 230.

In the preface, the author states, that in writing this volume, he had "in mind, youths on the verge of maturity, and men and women too busy for deep study of the matter." He has produced a book well calculated to please and profit the general reader; it is attractive and generally reliable. It is tastily bound, neatly printed, and well illustrated. The author's style is clear, simple, and engaging. Sparing the "diplomatic details" and the "state-paper minutiae" of a work for the historical scholar, he gives a large place to the picturesque, the dramatic, the personal. While he has made no notable contribution to our knowledge of the subject, he has written a popular work based, evidently, on original sources and on good secondary authorities, indebtedness to Henry Adams being especially apparent. In view of the proposed exposition at St. Louis and of present-day interest in expansion in general and in Louisiana in particular, this history is peculiarly timely.

The story is told in eleven chapters. A cursory consideration of French colonization and of the struggle for French supremacy in America, is followed by accounts of the Spanish possession of Louisiana, Napoleon's dream of colonial empire, and the negotiations prior to the retrocession of 1800; of Napoleon's unsuccessful San Domingo project and the beginning of American negotiation; of Monroe's mission and Napoleon's determination to sell Louisiana; of the First Consul's quarrels with his brothers over this determination; of American negotiations and purchase; of political and constitutional controversies occasioned by the treaty; of American occupation and government of the new territory; and, finally, of leading events in the subsequent history of Louisiana. The appendices contain a memoir of Livingston addressed to Talleyrand, Napoleon's order for the sale of Louisiana, the treaty of purchase by the United States, and the convention concerning payment.

Dr. Hosmer has approached his subject from the French side, to which he thinks "too little attention has been paid heretofore," and,

like Henry Adams, aims to recount "the European as well as the American phases of the story." He seeks to show that the "vast dimensions of the United States are due to an influence from Europe." And, while he pays high tribute to the perseverance, foresight, and skill of Chancellor Livingston as a diplomat, he believes that the sale of Louisiana was a "piece of Napoleon's statesmanship, Jefferson and his negotiators playing only a secondary part."

A few errors and defects have been noted. Doubtless a carefully selected list of the best books on the subject would have added to the general serviceability of a work even of this popular nature. Considering LeClere's position at home, the deathfulness of his mission to San Domingo, and the censure and ingratitude of Napoleon, it is a question whether the former was really "*much cherished* by his great brother-in-law," as Dr. Hosmer assures us (p. 49). It is certainly startling to read that the "Spanish attitude toward the United States was, in fact, most friendly" (p. 35). The statement that "it was not easy for him (Jefferson) to feel that the free navigation of the Mississippi was so very important" (p. 63) clearly is not based on a careful reading of Jefferson's private correspondence. His letters of 1786 and 1787 gave frequent expression to the opinion that "the navigation of the Mississippi we must have."[1]

In this connection it should be pointed out, however, that careless reading of page 63 and misquotation of the sentence last referred to, are responsible for some adverse criticism at the hands of Mr. David Y. Thomas,[2] which is quite gratuitous and unwarrantable. The context shows that the pronoun "him" cannot but refer to Jefferson. For a reviewer to misquote the sentence in the following form: "It was not easy for *Madison* to feel," etc., and then to take Dr. Hosmer to task for a statement thus distorted, is inexcusable.

PAUL S. PEIRCE
THE STATE UNIVERSITY OF IOWA
IOWA CITY

[1] Ford, *Writings of Jefferson*, IV, pp. 189, 262, 333, 363, 392.

[2] *American Historical Review*, October 1902, p. 140.

The Iowa Historical Record. Vols. I to XVIII. Iowa City: The State Historical Society of Iowa. 1885–1902. Pp. 3482.

This Quarterly Magazine was published by the State Historical Society of Iowa in revival of the *Annals of Iowa* (suspended in 1874) with the purpose of rescuing from oblivion much valuable history held only in the memory of men of advanced age.

Of the one hundred and forty-five contributors to the pages of the *Record* thirty-five have passed away. The names of T. S. Parvin, Hawkins Taylor, John H. Gear, Senator Harlan, Senator Wilson, Judge Wright, and Governor Kirkwood, will be recognized as authority in statement of early historical data. A most valued contributor, Rev. Dr. Salter, survives and may yet continue important service.

The range of topics has been wide, but may be classified under a few general heads. The first and the most prominent is the historical.

I. Historical—Subdivisions—(1) *General* from 1799 to date, 100 articles. (2) *Military*—(*a*) Indian troubles, (*b*) Civil War, 61 articles embracing 100 letters from the field. (3) Anniversary addresses, 18 articles. (4) Educational and religious, 21 articles. (5) Scientific, 18 articles. (6) Indians, 17 articles. Total, 217 articles.

II. Biographical—(1) Personal history with photogravure or half-tone portraits, 97 articles. (2) Brief obituary notices, 200 articles.

III. Reminiscences of persons and places, 48 articles.

IV. Poetry, 31 articles.

V. Illustrations of historical matter, 26 in number.

VI. Editorials, notes, and book reviews.

Such is a mere skeleton of the body of the work of eighteen years of unpaid devotion to the preservation of material which the student of fifteen years will find full of life. Sketches of the lives of men and women who have been the makers of Iowa; incidents of early struggles and privations which will find no place in more elaborate treatises; the strife with savage occupants of the soil; reminiscences of soldier life as given in familiar letters; incidents in professional

life, drawn from personal experience and from observation; simple habits of pioneer life—these will clothe the skeleton and give it the form which the noble State presents to the onlookers of today. The *Record* lives but under a new name and in enlarged form.

JOSIAH L. PICKARD

MINNEAPOLIS, MINNESOTA

The Statute Laws of the Territory of Iowa enacted at the First Session of the Legislative Assembly of said Territory held at Burlington, A. D. 1838–'39. Published by Authority. Dubuque. Russell & Reeves, Printers. 1839. Des Moines: Reprinted by the Historical Department of Iowa. 1900. Pp. 634.

Journal of the Council and House of Representatives of the Second Legislative Assembly of the Territory of Iowa. At the Special Session which convened at the City of Burlington, July 13, 1840. Des Moines: Published by the Historical Department of Iowa. 1902. Pp. v, 116.

The Historical Department of the State of Iowa, through its Curator, Mr. Charles Aldrich, has recently published two volumes which will be highly prized by all who value source work in historical study. The first of these includes the Constitution of the United States, the Ordinance of 1787, and the Organic Act of the Territory of Iowa, as well as the statutes of the First Legislative Assembly of the Territory. The first two documents are well known to all students. The Organic Act of the Territory of Iowa is less accessible to the average reader. It is especially interesting to students of Iowa history and politics because it was a sort of charter granted by Congress, outlining the government of the Territory and designating the limits of powers granted to its officers and legislative body. The remarkable "absolute veto" granted to the Governor in this document was the cause of endless bickerings on the part of the Legislative Assembly, and was later modified by Congress after an unsuccessful appeal to the President of the United States for the removal of Robert Lucas, the first Governor.

The statutes enacted during the first session of the Legislative Assembly reveal the political theories of the day, and, by comparison with later legislation, help us to trace the change of sentiment in Iowa as its citizens learned wisdom by experience.

The second volume is the result of a desire to fill a gap in the printed records of Iowa legislation, inasmuch as, by some inadvertence, the records of this special session of the Legislative Assembly of the Territory had never before been printed. Among the acts passed at this session we find some that would be unconstitutional today; and we find some bills voted down, though the same idea has since become a part of our State Constitution. A bill of divorcement was granted by this assembly, though our present Constitution vests this power in the courts alone. We find this assembly repeatedly changing county seats, while today this power lies with the people of the county interested. On page 24 (Journal of the Council) there is recorded an unsuccessful attempt to abolish imprisonment for debt; and in various places we find propositions to grant town lots for church "*and literary*" purposes. Lack of space forbids further details; but we desire to say that the tedious work of editing and publishing these books is only a small portion of the great labor of love which Mr. Charles Aldrich has for years been performing under many discouragements, but with an unconquerable devotion to the cause of the Historical Department of Iowa.

LEONARD WOODS PARISH

IOWA STATE NORMAL SCHOOL
CEDAR FALLS

Rhode Island—Its Making and Its Meaning. By IRVING BERDINE RICHMAN. With an introduction by James Bryce. New York and London: G. P. Putnam's Sons. 1902. 2 vols. Pp. 560.

Ever since the beginning of historical writing in America the early annals of the four New England colonies have afforded a mine of inexhaustible resources. Not only has the history of New England

been the subject-matter of many of our ablest historical works, but it has also furnished the themes of our most valuable historical essays. In the struggle for supremacy between the northern and southern elements in our history the Old Dominion has constantly yielded ground to the more aggressive and progressive New England States. Among the latter Massachusetts has held and still holds the place of first importance. Much of this importance, paradoxical as it may seem, Massachusetts owes to her New England neighbors.

Nothing in the domain of American historical interpretation has lately been published of greater suggestive value than the two volumes of Irving B. Richman on *Rhode Island, its Making and its Meaning*. The introduction by the Honorable James Bryce fully recognizes this fact. The student of our history must be similarly impressed after a careful perusal of the two volumes. It is impossible, perhaps, to agree with every expression of opinion, it is doubtful whether all of Mr. Richman's statements would receive general endorsement, but of the permanent value of the author's work there can be no question. Mr. Richman points out most clearly that the opening chapter in the history of Rhode Island is to be found in Massachusetts, and that the final interpretation of a certain phase of the history of the larger colony must be sought for in the smaller.

The title of the work is most felicitous. It is simply a fact that the two volumes are an interpretation of the making and meaning of Rhode Island as one of those thirteen English colonies which afterwards contributed their several quotas to the vast complex of our national American life. Most thorough scholarship based upon careful research, a pleasing presentation, ably seconded by a superior piece of work on the part of the publisher, make these two volumes a genuine contribution to our historical literature. Even had Mr. Richman been heretofore unknown, which is certainly not the case, this last production would be sufficient to entitle him to a place among the scientific historical writers of the younger generation in America. The history of Rhode Island during the life time of Roger Williams and two of the fundamental ideas in our American

political development have found a successful expositor in the author of these volumes.

WILLIAM CRAIG WILCOX

THE STATE UNIVERSITY OF IOWA
IOWA CITY

History of the Constitutions of Iowa. By BENJAMIN F. SHAMBAUGH, PH. D. Des Moines: The Historical Department of Iowa. 1902. Pp. vii, 352.

Under the above title the Historical Department of Iowa has lately issued an interesting, instructive, and suggestive volume of 352 pages. The book has been written by Dr. Benjamin F. Shambaugh of the University of Iowa, at the request of Mr. Charles Aldrich, and is worthy of special mention as a step in the important work (hitherto largely neglected) of interpreting, in concise and readable form, American state history as distinguished from American national history.

Dr. Shambaugh opens his subject by directing attention to the fact that Iowa—although created a State within the memory of men still living, and although possessing a considerable literature along the lines of local incident and personal episode—has never been interpreted from the point of view of its larger relations, its relations, that is to say, to the great Union whereof it has at no time been an unimportant member, and whereof to-day it is a member the importance of which is conspicuous and commanding.

In those larger relations spoken of—relations essentially political in their nature—it is the Constitutions of Iowa which are of primary importance, and these, in the book before us, are taken up one after another, beginning with the "Act [passed in 1836] establishing the Territorial Government of Wisconsin" and ending with the instrument (so generally familiar) ratified on August 3, 1857.

But behind and underlying the various Constitutions which successively were in force throughout the Iowa country there was something (a something vitally important to be understood by us, for it is

the key to these Constitutions) and that was "the makers of the Constitutions." "A Constitution," says Dr. Shambaugh, "is a social product. It is the embodiment of popular ideals." Hence, if one is to comprehend the Constitutions of Iowa, he must first comprehend the Iowa pioneer and settler. He must remind himself of such facts as that the founders of the State pitched their abodes alongside streams, near timber, and in groups, thus creating the local community; that they did this without legal warrant, but that (owing to their Anglo Saxon heritage) law sprang up among them as it were *proprio vigore;* and that the kind of law which thus sprang up was naturally the broadest consistent with safety to persons and property. "The broad rich prairies of Iowa and Illinois," remarks our author, "seem to have broadened men's views and fertilized their ideas. Said Stephen A. Douglas: 'I found my mind liberalized and my opinions enlarged when I got out on these broad prairies, with only the heavens to bound my vision, instead of having them circumscribed by the narrow ridges that surrounded the valley [in Vermont] where I was born.'" Indeed, no less than three elements of American Democracy are pointed out by Dr. Shambaugh as emphasized by the Iowa pioneer, and these are: (1) Equality before the Law; (2) Equality in the Law; and (3) Equality in making the Law.

The plan of conducting the study of Constitutions in the light of facts and not merely in the light of the documents themselves — a plan so happily conceived and carried out in works such as Bagehot's "English Constitution," Macy's "English Constitution," Woodrow Wilson's "Congressional Government," and Bryce's "American Commonwealth" — receives illustration anew in Dr. Shambaugh's book, and Iowans may take pride and pleasure in the circumstance.

IRVING B. RICHMAN

MUSCATINE, IOWA

Supplement to the Code of Iowa. Published by Authority of the State. [Des Moines]: Bernard Murphy, State Printer. 1902. Pp. xxxviii, 874.

Every one is presumed to know the law—save perhaps the judges of the courts—hence the maxim, *Ignorantia juris non excusat.* The exception is noted because of a remark attributed to a distinguished Iowa lawyer, who in speaking of the nominee of a political party for judicial office declared: "He will make a most excellent judge, for he will not be hampered with any preconceived notions of the law."

The maxim quoted is based on public policy, or perhaps more properly speaking, on necessity. If this were not the rule courts would be compelled in each and every case to institute a preliminary investigation as to the knowledge the parties had of the law which should govern.

Precognition of the law being conclusively presumed, publicity is quite as important as beneficent legislation. Of some laws we must take notice because of universal tradition and long practice, which supposes previous publication, as is the case with that immense storehouse of unwritten law largely borrowed from England. At one time proclamations and some acts of Parliament were announced by officers, or criers appointed for the purpose. Other acts were read in churches and at public gatherings. Finally they were written or printed and promulgated in the most public and perspicuous manner.

One of the merits of our system of Jurisprudence is the wide publicity given to acts of Congress and of the several state legislatures. We can never be accused of doing as Caligula, who it is said wrote his laws in very small characters and hung them upon high pillars, the more effectually to ensnare his people.

The Constitution does not in express terms require publication, although such an intent may fairly be inferred. Until comparatively recent years it had been the practice to publish nothing but the laws. Annotated codes have come into general use since the writer came to the bar, twenty-four years ago. The Revision of 1860 contains a few annotations, but they have never been regarded as of much value.

Prior to the Code of 1897 excellent annotated codes were prepared by William E. Miller and Emlin McClain (the latter being now one of the judges of our Supreme Court) and printed as private enterprises. Justice McClain also blazed the way for continuations by preparing a supplement to his code, which was published in the year 1884, and which stands as the prototype of the volume we are to consider.

The Code of 1897 is the first ambitious attempt made by the State at publication of a complete annotated code. That attempt has been remarkably successful, and in spite of the short time given for its publication it is singularly free from error or mistake. It has not been a profitable investment from a financial standpoint—the State not having recouped the expense of publication—but it has everywhere been regarded as nearly a perfect annotated code as it is possible to make.

The difficulties in continuing law books and keeping them "up to date" are everywhere recognized; and these difficulties are accentuated when attempt is made to classify and work into a code subsequent acts of a legislative body. To meet these difficulties the legislature which adopted the Code passed an act which reads as follows:

"The Twenty-ninth General Assembly, and each third General Assembly thereafter, shall select, in a manner as provided in section two hereof for the selection of editor, some competent and suitable person, to compile, annotate and superintend the publication of the statutes of a general nature enacted after the adoption of the code."

Pursuant to that act the Twenty-ninth General Assembly selected a supervising committee composed of Senators Trewin, Whipple, and Porter, and Representatives Payne, Barker, and Hamann. It also elected John R. Carter, Esq., editor. As a result of their joint labors we have the new Supplement which has recently gone into the hands of the profession and the people generally. This supplement not only includes all the laws passed by the General Assemblies after the Code of 1897, but also annotations of all decisions of the Supreme Court announced since that time, and down to the October, 1902, term

of that court, extended tables showing where the various acts of the legislatures may be found in this Supplement, a revised enlarged and much improved index of the Code to which it is a supplement, and of the Supplement itself, all the rules and regulations with reference to the collection of the collateral inheritance tax, and notation of decisions from all the States bearing on the new negotiable instruments law enacted by the last legislature to secure uniformity. This last feature is an invaluable aid to uniformity in construction, which is quite as important as similarity in language. The committee is entitled to great credit for introducing this apparent innovation.

The arrangement generally follows that of the Code. In a few instances there is room for criticism here, but as the matter is largely arbitrary it is perhaps after all a mere question of taste. The practice of citing the code section number and then reciting in brackets ("for earlier annotations see code, &c.") seems to be superfluous. Every one of necessity turns back to these old sections; and few if any give any attention to the page number.

On the whole the work is well done. Some mistakes of citation in the original Code have been corrected, and all of the cases bearing on statutory construction down to the October, 1902, term of our Supreme Court seem to have been cited. The index as it now appears is worthy of special mention, as it is very full and comprehensive.

No argument is needed in justification of this work or of its predecessor the annotated Code. It is quite as important to know how a statute has been construed by the highest court in the State as to have the statute before you; and there is as much reason for the State publishing these annotations as for its publication of the laws themselves.

This Supplement is not only invaluable to the lawyer, but to every layman who has occasion to know the law as well. The price $2.00 per volume is very reasonable considering the quality of the work and the amount of matter it contains.

Great credit is due Senator Trewin for the full consummation of this plan for which he has worked with untiring devotion and energy.

The editor, Mr. Carter, and in fact all who have had part in the preparation of this Supplement are entitled to a just proportion of these words of praise.

HORACE E. DEEMER

SUPREME COURT CHAMBERS
DES MOINES

The Constitutional History of the United States. By FRANCIS NEWTON THORPE. Chicago: Callaghan & Co. 3 Vols. Pp. xxi, xix, xvi, 595, 685, 718.

The most valuable estimates of a book are those which come from scholars and readers who live after the author. And so the only just review of the historian's labors is the review of the centuries. At the same time it is not improper for an author's cotemporaries to express an appreciation of his work.

So extensive are the works of history already published by Dr. Thorpe that one can do little more than notice their titles. His two "constitutional histories" are, however, the largest and the most valuable of his writings. *A Constitutional History of the American People*, a work in two volumes, which was published in 1898, illustrates, emphasizes, and proves the value of the constitutional history of the States. The appearance of these volumes was an event which promises to become a landmark in the study of American history. A larger interest in the local or provincial history of the Commonwealths is herein anticipated by Dr. Thorpe. It is fitting that one of the "fathers" of the movement should be found among the contributors to the first number of the IOWA JOURNAL OF HISTORY AND POLITICS.

Dr. Thorpe's work in American history has not, however, been narrowed by the view-point from the States. He has kept the Nation, too, within the range of his vision. And so in his latest three volume *Constitutional History of the United States* he traces the progress of the national elements in our system of government. Thus, in the two works, he has treated the evolution of our system of government completely and with rare poise.

It is believed that Dr. Thorpe's *Constitutional History of the United States* will outlive the interest in its first appearance because: (1) It represents the labors of more than twenty years. (2) It bears ample evidence of careful, critical, exhaustive study. (3) It was written at first hand from the original sources. (4) It does not consist of discussions and opinions of motives, but represents modesty in the presence of great events. (5) It possesses literary merit. It is history made clear, plain, readable, and respectable by a proper use of the English language.

In reading these volumes one is impressed with the fact that Dr. Thorpe is more than a descriptive historian. Like Prof. John W. Burgess, he rises to the level of Political Science in his treatment of our constitutional history. His books are contributions to American Politics in particular and to Political Science in general. He sees the general principles underlying political phenomena; and above all, he has firmly grasped the fundamental truth that the development of the American system of government is essentially the evolution of Democracy.

Dr. Thorpe has searched the records, marshaled the testimony, presented the facts, and described the events. In the volumes under review he has given us a narrative of the origin, evolution, and administration of American government.

Benj. F. Shambaugh

The State University of Iowa
Iowa City

Daniel Boone. By Reuben Gold Thwaites. New York: D. Appleton & Company. 1902. Pp. xv, 257.

The biographical treatment of history has long since justified itself. Full expiation has been made for the numerous sins of John S. C. Abbott. So far has the reaction against the myth-maker gone, that it is sometimes claimed that the present biographical emphasis in historical writing has become a mania. If it is a madness there is at least a method in it. Men, it is true, are not the only factors in the making of history, but they are, after all, the most important ones.

Genuine biography must always be a contribution to scientific history. The past errors of ill-prepared and unauthentic biographers are no more to be charged up against the modern scientific writers of historical biography, than are the sins of Hume, in the treatment of English history, to be remembered against Stubbs. The popular predilection in favor of sensational biography can hardly be more deplorable than an occasional scientific prejudice against sensible biography.

Among the numerous American authors of the present day who are co-operating to redeem biographical writing in our country from any ill-repute which it may have borne in the past is Reuben Gold Thwaites of Wisconsin. There has just come from his pen a brief biographical work which is all that modern criticism demands. In more than one respect Mr. Thwaites' little volume on Daniel Boone is a model of what a brief modern biography should be.

In this volume the general historical setting of Boone's time is never for a moment lost sight of. It is not the sketch of some Robinson Crusoe in an ideal insular isolation. Mr. Thwaites does not represent Boone as a hero to be worshipped, does not even call him a great man, and makes no claim for him as the first or the greatest pioneer in Kentucky. In the author's judgment Boone is simply a man whose interesting life makes a convenient point of view in treating the early history of one of the important sections of the middle west. The book is admirably proportioned, the narrative never lacks interest, while every page gives evidence of the most careful research. A constant distinction is made between ascertained fact and plausible conjecture. The illustrations are excellent and the volume has a good index, a feature which is conspicuously absent in many brief biographical sketches. The absence of any maps to illustrate the journeys of Boone and his friends is the one serious defect in the work. The ease with which such maps could be prepared makes their absence all the more a matter of surprise.

The author is to be congratulated upon his good terminal facilities. When the story is told the book closes. There are no supernumerary chapters at the close as there is no padding in the body of

the work. It is a terse, concise, clear, accurate account of a man and a period which have a permanent and positive historical value.

WILLIAM CRAIG WILCOX

THE STATE UNIVERSITY OF IOWA
IOWA CITY

Father Marquette. By REUBEN GOLD THWAITES. New York: D. Appleton & Co. Pp. xv, 224.

Since the days of Francis Parkman interest in the history of the Middle West has scarcely abated. The rapid accession of interest in the subject manifest in recent years, however, impresses one who has not closely followed its development as being of the nature of a revival rather than a sound and permanent growth. As a matter of fact the West is beginning to recognize that it has a history of its own, apart from that of the New England pioneers whose grandsons finally came to occupy the valleys of the Ohio and the Mississippi and the fertile prairies beyond. One tangible result of thus coming to their full inheritance is that the people of the Middle West have in prospect the Louisiana Purchase Exposition, to be held in the city which, of all cities, is perhaps richest in historic associations of the truly western type.

This biography of Father Marquette is thus timely in its appearance, the more so as it is more than a mere biography. No more central figure could have been chosen about which to group the rugged features which form the background of the history of the Mississippi Valley than the person of Marquette. He, more than any other man of his time, was in touch with all the springs of action which urged the white man past the remotest shores of our inland seas and on to "the Great Water of the West." The author has made good use of this unique position of his hero—for no biographer could treat Marquette as other than a hero—and has given us a picture of his surroundings, both as to place and time, which has not been surpassed. This has been done, too, without the least straining for literary effect. On the contrary, much of the narrative and many of the

descriptions are given in the simple and artless language of Marquette or of his contemporaries, as recorded in the *Jesuit Relations* and other original documents. Yet, despite the faithful freedom with which the quotation marks are used, there is no lack of continuity in the text.

In point of general accuracy the work is, as the name of the author would lead one to expect, quite above suspicion. Few disputed points are touched upon, as for example, the questions as to the location of the Mission of St. Ignace and that of the village of the Mascoutins. Marquette's presence, at any time, upon the site of Chicago is also doubted. While these questions are all dealt with gently, the author's own views are sometimes easily apparent. The statement regarding La Salle's exploration of the Ohio to the falls of Louisville (p. 129), however, might have been made a little less positively; though any discussion of the question would certainly have been irrelative.

The illustrations are good and well selected. Mac Neil's fine bronze reliefs from the Marquette Building (Chicago) are appropriately included. Trentanove's "idealized" statue of Marquette should have no place here—nor in the national capitol for that matter. The reader's natural curiosity as to the grounds upon which the frontispiece is "reputed" to be a portrait of Marquette is quite unsatisfied Marquette's MS. map would be even more interesting if accompanied by a table identifying, as far as possible, the various localities and other proper names recorded thereon. One would rather see the junction of the Wisconsin with the Mississippi from the point of view occupied by Marquette and Joliet, than from the bluff below McGregor. But these are trivial matters which do not in any way mar the real excellence of the work.

Laenas Gifford Weld

The State University of Iowa
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NOTES AND COMMENT

An eight page pamphlet on "Publications in Iowa History," issued by the State Historical Society of Iowa, contains this announcement: "The Board of Curators has provided for the compilation and publication of the Messages and Proclamations of the Governors of Iowa. The entire compilation will be issued in four large octavo volumes which will contain all of the Inaugural Addresses, Biennial Messages, Veto Messages, Special Messages, and Proclamations of the Governors of Iowa from 1836 to 1902. The complete set of four volumes will be issued before December, 1903. The subscription price has been fixed at six dollars."

Frontier Land Clubs or Claim Associations, a paper published in the Annual Report of the American Historical Association for 1900, is based largely upon materials taken from the sources of Iowa history.

The State Historical Society of Iowa has recently issued a pamphlet which contains a list of all its regular and special publications in Iowa history.

In June, 1902, a chair of American History was established at the State University of Iowa. Professor William Craig Wilcox, who for eight years occupied the chair of History in this University, has been elected to the newly established professorship.

To the October, 1902, number of the *Annals of Iowa*, Mr. W. H. Ingham of Algona, Iowa, contributes the leading article which is on "*The Iowa Northern Border Brigade of 1862-3.*" Mr. Ingham's article is a valuable contribution to what may be called the Indian history of Iowa.

The Iowa Monument Commission has decided to locate the second of the monuments, which are to be erected on the Chattanooga battle grounds, on the extreme end of Missionary Ridge. At this place the Sixth Iowa Regiment was stationed during the battle of Missionary Ridge. The third monument will probably be located near the site of Bragg's headquarters.

After having served as instructor for four years and as assistant professor for two years at the State University of Iowa, Harry Grant Plum, A. M., has been promoted to the position of Professor of European History. Mr. Plum was born in Iowa and educated at the State University. He pursued graduate study at Columbia University, where in 1899 he held a fellowship in History.

At last the books and pamphlets in the Library of the State Historical Society of Iowa are to be completely accessioned, arranged, classified, and catalogued. Miss Margaret Budington, who was recently elected to the position of Acting Librarian and Cataloguer, will superintend the work. The Historical Society is fortunate in securing the services of one so efficient in library administration. Miss Budington is an alumna of Vassar, having graduated in 1900. She received her special training for library work at the Illinois State Library School of the University of Illinois. From June, 1901, to March, 1902, Miss Budington served as assistant cataloguer in the library of the University of Cincinnati. Then she came to Iowa, where she occupied the position of assistant cataloguer in the library of the State University until August, 1902. Miss Budington entered the library of the State Historical Society on October 1, 1902.

Frank E. Horack, A. M., Ph. D., has recently been appointed to the position of Instructor in Political Science in the State University of Iowa. Dr. Horack is a native born Iowan and a graduate of the State University of Iowa, from which he also holds the degree of Master of Arts. His degree of Doctor of Philosophy was conferred by the University of Pennsylvania. The Board of Curators of the

State Historical Society of Iowa have recently elected Dr. Horack to the position of Custodian.

Simeon E. Thomas, formerly Custodian of the State Historical Society of Iowa, is pursuing graduate work in History at Harvard University.

An eight page article on *The Public Archives of Iowa*, which forms a part of the first report of the Archives Commission of the American Historical Association as published in the Annual Report of the American Historical Association of 1900, suggests the necessity of more care for the preservation of our state archives.

William J. Haddock, who on account of advancing years recently resigned from the secretaryship of the State University of Iowa—a position which he held for 38 years—did something more than keep the records of the University. He lived besides; and while he lived he builded two homes—"Buffwood" and "The Crag." In a handsome volume entitled "*Novels and Pictures*" or "*A Comparative Review of the Heart of Midlothian and Little Dorrit and Other Notes*," of which only forty copies were printed in December, 1900, for private circulation, Mr. Haddock has, under the headlines of "Days o' Lang Syne," given us a glimpse of the building of "Buffwood," a typical Iowa country-place. Of more historical interest, however, is Mr. Haddock's "Reminiscence" entitled "*The Prairies of Iowa.*" This is a bit of historical literature well worth preserving. The seventy-one pages were "printed for private circulation." Only fifty copies were issued.

Two very readable articles have recently appeared on Amana, Iowa's successful communistic society. Professor Richard T. Ely of Madison, Wisconsin, is the author of the sketch which was published as the leading article in *Harper's Monthly* for October, 1902. Five of the seven illustrations which accompanies this interesting sketch are from photographs taken by Bertha H. Shambaugh, the author of the article entitled *Amana*, which appeared at the same time in

The World Today. This is the third article on Amana which has been published above Mrs. Shambaugh's signature. The first was a prize essay in the *Midland Monthly* for July, 1896, when that magazine was still under the able editorship of Mr. Johnson Brigham. The second was a somewhat exhaustive descriptive and statistical production which was prepared upon the request of the Iowa Commissioner of Labor for publication in his *Report* for 1901. This article in the Commissioner's *Report* is clearly the most reliable source of data on Amana that has yet been published.

Mr. Lewis Todhunter died at Indianola, Iowa, February 1, 1902, at the age of eighty-five. He voted for William Henry Harrison in 1840. Later he joined the Republican party. In 1856 he was chosen to represent Warren, Madison, and Adair counties in the General Assembly. He was a member of the Constitutional Convention of 1857.

Thousands of loyal people from Iowa and Missouri assembled, August 7, 1902, on the old battle grounds about twenty-five miles south of Keokuk to celebrate the battle of Athens, which was fought in 1861 to prevent the confederate forces from invading Iowa and capturing the powder magazine at Keokuk.

Of special interest to the members of the State Historical Society of Iowa and to Iowans generally are the two volumes entitled *Rhode Island—Its Making and Its Meaning*, recently announced by G. P. Putnam's Sons. The author of these volumes is Mr. Irving B. Richman of Muscatine, Iowa. Mr. Richman, who is a member of the Board of Curators of the State Historical Society of Iowa, is the well known author of *Appenzell* and *John Brown Among the Quakers*.

Mrs. Harriet Foote Gear, widow of the late U. S. Senator, John Henry Gear, died at Burlington, Iowa, October 4, 1902. She was born in Vermont, November 16, 1818, where she resided until 1843 when she came to Burlington, Iowa. In 1842 she married Mr. Gear.

The following reference to Mrs. Gear is taken from an article written by Peter A. Dey for the July, 1902, number of the *Historical Record*. "In his [Mr. Gear's] political career he had in Mrs. Gear a wonderfully able and earnest supporter. She sympathized with his ambitions, and by her personality held the men he had attracted to them. While he was Governor she joined in all his plans, was consulted as to men and measures, and probably felt as deeply political reverses and enjoyed as fully political success."

The New Century Historical Company, of New York City, has agents in the field soliciting subscriptions for a work entitled, *History of Iowa, From the Earliest of Times to the Beginning of the Twentieth Century*, by Benjamin F. Gue. The company promises to deliver the work to subscribers in four volumes of about 500 pages each, "bound in buckram, gilt top, deckle edge," etc., for $18.00. Mr. Gue was at one time Lieutenant Governor of Iowa.

Mr. George Griswold, one of Iowa's oldest pioneers and for sixty-three years a resident of Clinton County, died August 24, 1902.

Mr. Damon N. Sprague, born in Cooperstown, N. Y., March 21, 1832, died in Wapello, Iowa, August 13, 1902. He came to Wapello, Iowa, in 1855. In 1857 he was elected to the lower house of the General Assembly. In 1870 he was elected district attorney, an office which he held for twelve years in all. Mr. Sprague was a Democrat in politics.

Mr. J. E. Conner, the new Instructor in Commerce and Finance at the University of Iowa, was born at Wilmington, Ohio. He graduated from Howe's Academy, Mt. Pleasant, Iowa, in 1887. He entered the University of Iowa in the fall of 1887 and graduated with the degree of A. B. in 1891. He spent the academic year of 1891–92 at Yale. He also spent two years in resident graduate work at the University of Chicago. For two years he has held a Fellowship in the department of Economics and Sociology at the University of Iowa. His book treating of our foreign service was published under the title of *Uncle Sam Abroad*.

A beautiful tribute to one of Iowa's pioneers was the presentation to the Historical Department of a portrait of Dr. William Salter of Burlington, Iowa. The portrait, which was formally presented on Monday, November 24, 1902, was the gift of the Hon. Frank Springer and other friends of Dr. Salter. For more than half a century Dr. Salter has served as pastor of the First Congregational Church of Burlington. He has always taken a lively interest in Iowa history, and is the author of *The Life of James W. Grimes*.

Dr. Margaret A. Schaffner, recently appointed Instructor in Sociology and Economics at the State University of Iowa, was born at New Bloomington, Ohio. She has studied at Baker University, Kansas; at Emporia College, Kansas (graduating from this institution in 1895 with the degree of A. B.); at the University of Wisconsin; and at the University of Michigan. In 1900–01 she was Fellow in Economics at the University of Wisconsin. She also held for one year the Chicago Social Settlement Fellowship granted by the University of Wisconsin. In 1902 she received the degree of Ph. D. from the University of Wisconsin.

Dr. V. H. Roberts, a new appointee in Law and Political Science at Drake University (Des Moines, Iowa), was born at St. Joseph, Michigan, in 1874. He received his college education at the University of Michigan. Afterwards he spent three years in Germany at the University of Heidelberg, from which institution he received his doctor's degree *insigni cum laude*. He has given special attention to International Law and has written on the form of contracts in Private International Law.

Volume XVI of the *Collections of the State Historical Society of Wisconsin* is devoted to the *French Regime in Wisconsin, 1634–1727*. The documents published in this volume under the direction of Mr. Thwaites will surely arouse a greater interest among scholars in the romantic period of Wisconsin history. The volume is an excellent illustration of critical historical work.

Dr. Paul S. Peirce, recently appointed Instructor in History at the State University of Iowa, was born at Johnson Creek, N. Y., in 1874. He entered Cornell University (Ithaca) in 1893, and graduated from that institution in 1897. As a graduate student he attended Cornell University during the year of 1897–98. In 1898–99 he was Fellow in History at Yale, where he received the degree of Ph. D. in 1900. During the academic year of 1900–02 he was Professor of English and History at Hedding College, Abingdon, Illinois.

Mr. Charles H. Horn began the academic year of 1902–03 as Instructor in History and Principal in the Academy at Iowa College, Grinnell. He was born in Michigan in 1865. He entered Olivet College in 1888 and received the degree of A. B. in 1892 and A. M. in 1893 from that institution. He has spent ten years in active school work in Michigan, three of which were spent as Superintendent of the Traverse City public schools.

Mr. T. W. Mitchell, who has been appointed Assistant Instructor in Economics and Statistics at the University of Iowa, was born in Arkansas in 1879. He entered the University of the State of Washington in the fall of 1896 and graduated in May 1900 with the degree of B. A. and with honors in Political Science. After spending a year as Instructor in his Alma Mater he was appointed Fellow in Economics at the University of Wisconsin, where he pursued graduate study during the year 1901–02.

CONFERENCE OF CHARITIES AND CORRECTIONS

The fifth annual convention of the *Iowa State Conference of Charities and Corrections* convened at Iowa City, October 30 and 31, 1902, under the presidency of Isaac A. Loos, Professor of Sociology and Political Economy in the State University. The object of this annual conference is, according to the constitution of the association, "to discuss the problems of charity and corrections, to improve the methods of dealing with delinquents and disseminate information on

these subjects." The present interest in social questions shows a healthful growth of public sentiment concerning the problems of our social development. The interest of legislators and public men in Iowa, as well as that of sociologists and philanthropists, is being directed at the present time to the child labor problem and the problem of the juvenile offender. The interest in the former is largely centered in the crying need for remedial legislation in other States rather than in our own. In discussing the evils of the system as they exist in other States the conference is educating the public to the advantage of passing preventive rather than remedial legislation. The problem of the juvenile offender is, however, one which already demands remedial legislation at the hands of the next General eral Assembly. In the two days of the conference five sessions were held, in which the subjects of child labor and the juvenile offender, as well as general charity work in the State, were ably discussed by such men as Mr. John Cownie and Mr. G. S. Robinson of the State Board of Control, Mr. B. F. Miles and Mr. F. P. Fitzpatrick, superintendents of the industrial schools at Eldora and Mitchellville respectively, and by Mr. E. M. Nealley, Judge Emlin McClain, and others.

LEAGUE OF IOWA MUNICIPALITIES

In the year 1898 four mayors of representative Iowa cities, while in attendance upon the second annual meeting of the League of American Municipalities, came to the realization that their respective cities had little in common with the national league. The proceedings of the national league were largely taken up in discussing the municipal problems of our large American cities, whereas, but few of the cities in the State of Iowa exceed 15,000 in population. It was then that Mr. John MacVicar, mayor of Des Moines, Mr. John N. Redmond, mayor of Cedar Rapids, Mr. F. G. Pierce, mayor of Marshalltown, and Mr. F. K. Stebbins, mayor of Iowa City conceived the idea of organizing a League of Iowa Municipalities; the annual meetings of which should be devoted to the live problems of the smaller cities. That their efforts have been highly successful is evidenced by the fact that

nearly one hundred delegates representing the most progressive cities of Iowa were in attendance upon the fifth annual meeting of the League which convened at Iowa City, October 8 and 9, 1902. At these meetings no effort is spared to bring before the League men who can speak authoritatively upon the municipal problems of our State. Members of the League have taken advanced ground in reference to municipal government by advocating the separation of municipal affairs from party politics. The League as a body is endeavoring to secure state legislation relative to municipalities in accordance with the more advanced views of the students of this subject. The organ of the Iowa League is a monthly magazine the *Midland Municipalities*, ably edited by Mr. F. G. Pierce of Marshalltown. In all the work of the League of Iowa Municipalities is to be highly commended, for its efforts are earnestly directed toward making local government in Iowa of the people, by the people, and for the people in the fullest sense.

CONTRIBUTORS

LAENAS GIFFORD WELD, Professor of Mathematics and Dean of the Graduate College (State University of Iowa), and State Superintendent of Weights and Measures for Iowa. Born at Sherwood, Michigan, 1862. Graduated from University of Iowa. Fellow of the American Association for the Advancement of Science. Member of the American Mathematical Society, the State Historical Society of Iowa, Baconian Club, etc. Author of *The Theory of Determinants;* the chapter on *Determinants* in Merriam and Woodward's compendium of *Higher Mathematics;* etc.

FRANCIS NEWTON THORPE, Author and Member of the Bar. Born in Massachusetts, 1857. Fellow and Professor of American Constitutional History at the University of Pennsylvania,

1885–1898. Member of the American Historical Association, also of the Pennsylvania Historical Society. Author of *A Constitutional History* (State) *of the American People*, 2 vols, Harper Bros., 1898; *The Constitutional History of the United States*, 3 vols, Callaghan & Co., 1901; *A History* (Social and Economic) *of the American People*, McClurg & Co., 1901; *The Government of the People of the United States*, Eldredge & Bro., 25th edition; etc.

Duren James Henderson Ward, Lecturer and Minister (All Souls' Church, Iowa City, Iowa). Born at Dorchester, Ontario, 1851. Traveling Fellow from Harvard University at Berlin and Leipsic (Germany) 1885–1887. Lecturer on Anthropology and Philosophy at Harvard University (1887–1889). Member of Harvard Philosophical Club (1887–1889), New York Academy of Anthropology (1890–1894), Political Science and Philosophical Clubs (University of Iowa), etc. Author of *Anthropology—a Syllabus; The Human Races; How Religion Arises;* and numerous articles on Anthropology, Sociology, Religion, etc.

Johnson Brigham, State Librarian for Iowa. Born in Cherry Valley, New York. While at Cornell University was awarded Goldwin Smith prize for English history essay. Editor of *Cedar Rapids Republican* for twelve years. Founder and editor of the *Midland Monthly*. Contributor to the *Century*, *Forum*, *Chautauquan*, etc. At one time Consul at Aix la Chapelle, Germany.

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A BRIEF HISTORY OF THE STATE HISTORICAL SOCIETY OF IOWA

There are times and circumstances which seem to inspire a larger interest in matters historical—times especially when the human mind cherishes what has been, times when the past touches the human imagination even to sympathy. The discovery of new scientific truths, for example, provokes curiosity in the history of scientific truth discovery; the elevation of men to high positions of trust, honor, or power among their fellows stimulates biography; while a people aroused by formative events, dramatic episodes, or by anniversaries to a consciousness of change, progress, or political unity, invariably turn with no little pride to the annals of their social and political evolution.

In our own Commonwealth of Iowa the revision of the Constitution in 1857 seems to have been the event which occasioned the first formal expression of the conviction that the history of this State was worthy of preservation. And yet this conviction itself had surely been born of earlier days. That it had been maturing gradually for more than two decades was natural and could hardly have been otherwise. The courageous pioneers, who in the thirties and forties of the last century crossed half a continent to make permanent homes in Iowa, must have realized as they blazed their names on primæval oaks or drove their stakes deep into the prairie land that their lives were indeed part of a great movement which would some day become truly historic.

Many rare and inspiring experiences were in store for those who crossed the Mississippi prior to 1857. The beauties of nature untouched were theirs; and theirs, too, was the freedom of opportunity. During the lifetime of a single generation the pioneers beheld the evolution of a community of men and women from a few simple families to a complex society; and as participants in that social and political transformation they successfully established and maintained law and order on the frontier. These early settlers founded social and political institutions. They participated in the organization and administration of the highest form of Territorial government which the genius of our people has yet devised. Earnestly they mingled their labors with the virgin soil of the richest prairies of all America. Beneath their eyes a thousand hills were stripped of forests and more than a million acres of prairie land were turned into corn-fields. The hardships and privations which they endured remain largely untold.

During the early forties the pioneers took part in an agitation for a State government. In 1845 they twice rejected the boundaries prescribed by Congress. In 1846 they formed the Constitution under the provisions of which Iowa was organized as a State and admitted into the Union. Having witnessed the birth of "the only free child of the Missouri Compromise," these Iowa pioneers enthusiastically applauded their Governor when in 1854 he declared that it was fitting that this State of Iowa should let the world know "that she values the blessings which that Compromise has secured her, and that she will never consent to become a party to the nationalization of slavery."[1] In 1856 they

[1] From the inaugural address of James W. Grimes.

made preparations for a third constitutional convention and witnessed the birth of the political party which, with but one exception, has dominated the politics of the State even unto this day.[1] Finally, in the eventful year of 1857 they were seriously engaged in drafting anew their code of fundamental law.

Many of the pioneers had now passed middle life. With axes and plows they had bravely fought the battles of the frontier; and now they had begun to enjoy some of the fruits of victory. They loved to tell the story of "the early days." At the fireside they lived over and over again the history of their lives. The hardships and privations through which they had passed were now endeared to them. They were proud of the great Commonwealth which they had founded. The marvelous transformations which they had witnessed stirred their imaginations. They felt that somehow their own humble lives were really a part of history; and so they resolved "to rescue from oblivion the memory of the early pioneers."[2] Thrice fathers—fathers of the Frontier, fathers of the Territory, fathers of the State—the unschooled pioneers of Iowa now became the fathers of our local provincial history.

It was in January, 1857, while the Third Constitutional Convention was revising the Constitution of the State in the Old Stone Capitol at Iowa City, that the Sixth General Assembly, which was then in session in the same historic

[1] The Republican party of the State of Iowa was organized at Iowa City, in February, 1856.

[2] From the Constitution of the State Historical Society as adopted in 1857.

building, voted a permanent annual appropriation "for the benefit of a State Historical Society."[1]

To be sure, discussion of the importance and value of such a society had preceded and in a way called forth this action of the General Assembly; but the movement was not fully organized until February 7, 1857, when a Constitution for the "State Historical Society of Iowa" was adopted.[2] The provisions of this simple instrument have continued to be the basis of the organization of the Society for more than forty-five years.

According to the original Constitution of 1857,[3] the State Historical Society of Iowa consisted of members who were admitted upon election by the Society, or by the Board of Curators, and the payment of an "admittance fee" of three dollars. The members of the Society held regular annual meetings at which officers were elected and new members admitted.[4]

The officers of the Society consisted of "a President, six Vice Presidents, a Corresponding Secretary, a Recording Secretary, a Treasurer, Librarian, and eighteen Curators," who were chosen annually. Article seven of the Constitu-

[1] By a vote of the Board of Curators on March 3, 1857, "the present members of the Constitutional Convention and the General Assembly were elected members of the Society."

[2] The Corresponding Secretary of the Society evidently erred when in his report of December 1, 1857, he wrote that the Society was organized in March, 1857.

[3] The Constitution, By-Laws, and Articles of Incorporation of the Society, and the acts of the State relating to the Society were published in 1869.

[4] The annual meetings were at first held in December, but after 1872 they were held in June.

tion constituted the Curators "the Executive Department of this Association" with "full power to manage its affairs." In April, 1869, a series of "By-Laws" was adopted, which, among other things, provided for officers and monthly meetings of the Board of Curators, fixed the quorum thereof, prescribed an order of business, and named the standing committees.

After the lapse of nearly half a century it is interesting to observe the aims and functions of this Historical Society as indicated in chapter III of the Constitution of 1857. This chapter, which is entitled "Object," reads as follows: "The object of this Society shall be to collect, embody, arrange and preserve in authentic form, a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary and other materials illustrative of the history of Iowa; to rescue from oblivion the memory of its early pioneers; to obtain and preserve narratives of their exploits, perils and hardy adventures; to secure facts and statements relative to the history, genius, progress or decay of our Indian tribes, to exhibit faithfully the antiquities, and the past and present resources of the State; and to promote the study of history by lectures, and diffuse and publish information relating to the description and history of Iowa."

At the outset the State seems to have had no direct control over the organization and administration of the Society. As time went on, however, the feeling arose that the State Historical Society of Iowa should be brought into closer relations with the State. This was certainly a legitimate demand since the Society existed for public purposes and was supported by State appropriations. Accordingly, the

Fourteenth General Assembly passed "An Act to Reorganize the State Historical Society," which was approved April 23, 1872.[1]

The act of 1872 was for the most part a compilation of the provisions of the Constitution and By-laws which the Society had previously adopted. Some significant changes were, however, introduced. The Curators were thereafter to hold office for two years, and nine of the eighteen were to be appointed by the Governor of the State. The annual meeting of the Society was to be held "on the Monday preceding the last Wednesday in June of each year." Section five empowered the Board of Curators to "choose annually, or oftener, if need be, a corresponding secretary, recording secretary, a treasurer, and a librarian.....from the members outside of their own number." These officers were to serve as officers of both the Society and the Board of Curators. A President was likewise chosen by the Curators, but from their own number. He presumably held the same office in the Society. It was further provided by this act that "No officer of the Society or of the Board shall receive any compensation from the State appropriation to the Society."

Whatever may have been its political and legal status prior to 1872, it is certain that by the act of April 23d of that year the State Historical Society of Iowa was made a *State institution* in the fullest sense of the term. Since 1872 no change of any importance has been made in the organic law of the Society; so that today the Code provisions[2] are substantially those of the act of 1872.

[1] *Laws of Iowa*, 1872, p. 113.

[2] See *Code of 1897*, p. 975.

It can hardly be said that the State Historical Society of Iowa was, in its earlier years, liberally supported by the State. The idea seems to have prevailed that the library and collection would somehow grow by voluntary contributions, and that with little or no expense the materials of history would find their way to the store-rooms of the Society. By the act of January, 1857, the sum of $250 was appropriated as a permanent annual allowance. In 1860 this annual allowance was increased to $500.[1] Twenty years later it was fixed at $1000.[2] And finally in 1902 the permanent annual support of the Society was raised to $2500.[3] In the meantime several special appropriations were voted for the benefit of the Society. The first special appropriation was made in 1868, when in "An Act in relation to the State Historical Society," $3000 annually for two years was appropriated.[4] In 1892 a second special appropriation of $1000 for the biennial period was voted.[5] Again in 1900 the Society received a special appropriation of $2000.[6] The last of the special appropriations was made in 1902 and amounted to $9500.[7]

In the original act of appropriation, as well as in subsequent statute and code provisions, the State Historical Society is referred to as "in connection with and under the auspices of the State University." Precisely what was to be understood by these words was not clearly defined. The expression, however, has never been interpreted to mean

[1] *Laws of Iowa*, 1860, p. 146.
[2] *Laws of Iowa*, 1880, p. 60.
[3] *Laws of Iowa*, 1902, p. 143.
[4] *Laws of Iowa*, 1868, p. 225.
[5] *Laws of Iowa*, 1892, p. 133.
[6] *Laws of Iowa*, 1900, p. 115.
[7] *Laws of Iowa*, 1902, p. 143.

that any organic connection existed between the two institutions. The State Historical Society of Iowa remains to this day an independent State institution, whose organization, support, and management are in no way connected with the State University. It is probable that the provisions of the act of 1857 aimed to secure the permanent location of the Society at Iowa City, where it would "be fostered by the literary and scientific influences of the University."[1] The only material assistance which has ever been rendered by the University consisted of providing rooms for the Society from 1857 to 1868 and again from 1901 to this day.

Although Iowa City, the historic capital of Iowa and the seat of the State University, has been the most fitting location for the State Historical Society, the library and collections of this Society have not always had satisfactory accommodations. At first rooms in the Old Stone Capitol were assigned by the Trustees of the University. These quarters were occupied by the Society until September, 1862, when other rooms were assigned in the "Mechanics Academy." This building was occupied by the Historical Society until March, 1865. It was at this time that the Trustees of the University passed a resolution authorizing

[1] At a meeting of the Board of Curators in 1866, Colonel S. C. Trowbridge said that "he [Trowbridge] was at the first organization of this Society, which was born after the politicians had swapped off all the public institutions that had been located at Iowa City, and arranged for their removal to other parts of the State, and the object of placing the Historical Society under the auspices of the University was to insure its permanent location at this point.

". . . . If allowed to remain here it will be fostered by the literary and scientific influences of the University"— *From the Records of the Board of Curators, March 2, 1866.*

the Society to use "the Library Room and Cabinet of the University for their purposes as a Society, with leave to hold the annual meetings of the Society in the University Chapel." This arrangement proved unfortunate in that it gave rise to misunderstanding, controversy, and no little ill feeling between the two State institutions.

In June, 1866, the Trustees of the University "*Resolved*, That the Historical Society be requested, so soon as they can, to surrender the government of the Society to the Trustees of the State University, and after thorough examination, if they consider that they have not sufficient authority to do so, that they petition the Legislature for such authority; and in the meantime, as a condition of occupying a room in the University, that they employ as their Librarian the Librarian of the University, and on failure to comply with this condition by the first day of September, 1866, the Executive Committee are hereby authorized and empowered to have the effects of the Historical Society removed from the University building at the expense of the University."[1] The Curators of the Historical Society believing the performance on their part of such an act would be clearly a violation of their oath of office did not comply with the request of the Trustees.

Again in June, 1867, the Trustees of the University after a further consideration of the relation of the Historical Society to the University, passed this resolution: "*Resolved*, That the State Historical Society be permitted, until otherwise ordered, to occupy the present library-room, upon the

[1] See Appended Document, D, in *Sixth Biennial Report of the Board of Curators.*

removal of the present library of the University therefrom, which occupancy shall only be upon the following conditions: The said State Historical Society shall at their first annual meeting adopt the following: 1. The property in the custody of the State Historical Society shall be, and remain, under the ultimate control of the Board of Trustees of the State University, and in case said Board deem it for the security or preservation of said property to assume such control, they may do so. 2. That said property in the custody of the Society shall not be removed from the University Buildings, except by the consent of the said Board of Trustees. 3. That at each regular annual session of said Board of Trustees, the said Historical Society shall report to the Board the conditions and operations of the Society generally. 4. That regulations shall at all times exist by which the instructors and pupils of the State University shall have access to the collections of the Society for the proper uses of the University. 5. That at the coming session of the Legislature, the General Assembly be requested to declare and define a permanent connection to exist, as above contemplated, between the State University and the State Historical Society. 6. That the immediate management of the operations of the State Historical Society be left to the Society itself."[1]

Again the Curators declared that they could not, "in view of their obligations to the Historical Society and the laws of the State under whose authority they are acting," accept rooms in the University on the conditions proposed by the

[1] See Appended Document, C, in *Sixth Biennial Report of the Board of Curators.*

Trustees. When they met in August the Curators rejected *seriatim* and by unanimous vote all of the conditions of the resolution. A few months later the Curators submitted to the Governor their regular biennial report, in which, after adverting to the relations then existing between the Society and the University, they made the following appeal to the General Assembly:

"It is therefore earnestly desired by the Society, that the true intent and meaning of the relation intended by the Legislature, as expressed in the word 'auspices,' in the law referred to, may be clearly set forth.

"If a *bona fide* relationship is therein intended, we ask that the Trustees of that Institution shall be instructed to provide an appropriate and permanent place for the use of the Society, and that they may be taught to regard it as having a claim upon the protection and aid of the State, through, and derivable from, the appropriations made to the State University.

"On the contrary, if there is no tangible link of connection, then we respectfully request that an appropriation for the purpose of procuring and fitting up a room for the Society, be made direct to it, to be disbursed by some authorized responsible party."[1] The only direct and evident result of this appeal was the special appropriation of 1868, which enabled the Society to secure and fit up for its special uses rooms outside of the University buildings.

In June, 1868, the Curators leased the "Old Stone Church" on Burlington Street, and soon thereafter the association of the State Historical Society with the State

[1] See *Sixth Biennial Report of the Board of Curators*, p. 13.

University was completely severed. In the meantime the Society had fortified its independence still further by securing articles of incorporation.[1] The historical library remained in the damp musty basement of the "Old Stone Church" until the fall of 1882, when it was removed to better quarters in a building on Washington street. In September, 1901, the library and collections of the Society were finally transferred from the Washington street building to the Hall of Liberal Arts on the campus of the State University.

From the provisions of its Constitution it is clear that the publication as well as the collection and preservation of the materials of history is one of the principal objects for which the State Historical Society of Iowa was established. The various publications which have been issued since 1857 may be grouped under four heads.

First, the official biennial reports which have appeared regularly every two years since the organization of the Society in 1857.[2]

Secondly, the quarterly publications, of which there have been two series, namely, *The Annals of Iowa* and *The Iowa Historical Record*. The first number of *The Annals* appeared in January, 1863. Thereafter the quarterly numbers were issued regularly until December, 1874, when the series was suspended for want of funds. *The Annals* complete consists of twelve volumes. In January, 1885, the first

[1] The articles of incorporation were filed for record December 2, 1867. The Society was again incorporated in 1892.

[2] The first of these reports was printed as *The First Annual Report of the State Historical Society of Iowa for the Year 1857.*

number of *The Record* was issued. This was "the resumption in fact of *The Annals of Iowa.*" Of *The Record* series there are eighteen volumes. The last number bears the date of October, 1902.

Thirdly, the miscellaneous publications, of which the most important are: *Documentary Material Relating to the History of Iowa* (3 vols.); *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846, along with Press Comments and Other Materials on the Constitutions of 1844 and 1846; The Constitution and Records of the Claim Association of Johnson County, (Iowa); The Constitution of Iowa* (pocket edition); *Iowa City, a Contribution to the Early History of Iowa; Amish Mennonites in Iowa; Iowa Historical Lectures, 1892; and Iowa Historical Lectures, 1894.*

But more inspiring than statutes, appropriations, or publications are the names of the men who as officers and members have been connected with the Society during the past forty-five years. At the head of the list stands the name of James Wilson Grimes. As the first President, both of the Society and of the Board of Curators, Grimes was indeed a worthy predecessor of such men as Ralph P. Lowe, Samuel J. Kirkwood, William G. Hammond, George G. Wright, Josiah L. Pickard, and Peter A. Dey.

Among the Vice-Presidents of the Society were men of the same high character and public renown, as witness the names of James Harlan, Charles Mason, Thomas S. Wilson, William M. Stone, John F. Dillon, Lucien H. Langworthy, John P. Irish, and William B. Allison.

In the long line of Curators one meets the names of J. B.

Grinnell, Thomas H. Benton, Jr., T. S. Parvin, G. W. McCleary, P. M. Cassady, Charles Negus, Silas Totten, Wm. Penn Clarke, James Wilson, J. F. Duncombe, John A. Kasson, D. N. Richardson, and Geo. D. Perkins.

The roll of members is longer and somewhat more provincial. But even here one finds the names of George Bancroft,[1] Jared Sparks, William Cullen Bryant, William H. Prescott, Horace Greeley, and Theodore Parker.[2]

Such are the historical beginnings of the State Historical Society of Iowa as founded and fostered by the pioneers. Without, perhaps, much knowledge of critical history and without academic training they sowed the seeds of a local provincial history which have grown and matured into ripened grain. To gather the harvest and withal to sift the grain is the duty of the present hour.

Benjamin F. Shambaugh.

The State University of Iowa
Iowa City

My Dear Sir: [1] New York, March 17, 1857.

I accept with equal pride and pleasure the honor done me by the Board of Curators in conferring upon me membership in the State Historical Society of Iowa. Yours very truly,

C. Billings Smith, Esq., Geo. Bancroft.
Corresponding Secretary.

C. Billings Smith, Esq. [2] Boston, July 11, 1858.

Dear Sir: Yours of 26th ult. has just come to hand. It gives me great pleasure to accept the honor your society confers on me. I am particularly desirous of acquiring information relating to the religious opinions of the Indians, and if your society should publish anything relating thereto, please consider me a subscriber for it. If you will let me know how books, pamphlets, etc. may be sent to you without cost to you, I think I can furnish you something now and then. Respectfully truly yours,

Theodore Parker.

STATE HISTORY IN THE PUBLIC HIGH SCHOOLS

In every public high school, as well as in every college and university in our land, history has come to be an important constituent factor in the curriculum. Discussion may still go on as to how much time ought to be given to this study, as to the methods to be adopted in its pursuit, and as to whether it ought to be required of all students. But these are simply matters of school or college administration which do not affect the general proposition, to which all educationists now agree, that the study of history should be adequately represented in the curriculum of every school of secondary or higher grade.

Accepting this general conclusion as sound, I desire in this paper to advance the further proposition that in the study of history in our public high schools a reasonable portion of the time should be given to the study of State history. Nor is it sufficient that the study of local history be made the subject of a few "talks" to the class in United States history, or introduced simply to enliven the course in civics? On the contrary, I believe that the local history of the State within which the high school is located should be seriously taken up and regularly taught as a subject worthy of special study.

In urging this proposition upon the attention of those who are interested in secondary education there is, of course, some danger of assigning undue prominence to the study of

State and local history. I am, however, especially anxious to guard against such error, since I am of the opinion that in constructing schemes of historical study for our schools we have, perhaps, sinned somewhat in placing undue emphasis upon American as compared with general European history. Every country in constructing its scheme of education ought to provide a proper place for the study of its own history; but every country needs also to be on its guard lest by giving too exclusive attention to this subject it warp and distort the views of its children as to the relative importance of local as compared with general, of national as compared with world history.

The history of this country is destined, in our opinion, to play a very prominent part and occupy a leading place in all the future history of the world. But if the American republic were to perish to-day, the place which we should occupy in the grand progress of the world's history would, after all, be very small. And so our students in the high schools should get in the course of their studies some conception of the relative significance which the history of other nations has in the history of the world as compared with our own. We are, however, justified in laying a somewhat exaggerated emphasis upon our own history as compared with that of other nations of the world. That is to say, a certain exaggerated emphasis is not an undue emphasis.

In the first place each nation is bound by the laws of its own being to magnify its own calling, to emphasize its own place in the general history of the world, and to dwell upon its own services to humanity. It is, moreover, necessary in the general interests of human history that each State should

do this in order that ultimately, when the history of the world is written, adequate material shall exist to enable the historian to give each nation its proper place.

We are likewise justified from a pedagogical point of view in this exaggeration of our own history by the fact that there is a certain element of interest in the study of the national annals which is not to be found to the same extent in the study of the world annals. At the same time we must beware against making a very common mistake in this field. It is not true, in my opinion, that the individual is always most interested in that which lies nearest him. The child, as a rule, is far more interested in fairy stories than it would be in the history of children with whom it associates every day. The citizen is often times more interested in the politics of the State or the nation than in that of the city, and in the history of the foreign nations rather than in the history of his own nation, in the history of the ancient rather than in the history of the modern nations, in the history of the world rather than in the history of his own time and his own conditions. In spite of this general fact, however, it is possible to get a certain kind of interest in the events connected with one's own national life which cannot be secured for those incidents connected with other nations and other races in other periods of the world's history. In the same way it is possible to arouse a certain kind of interest in the annals of one's village or city, of one's county or one's State, which it is not possible to excite to the same extent in the history of one's nation. A certain amount of attention, therefore, to State and local history would be justified by the fact that it helps to arouse that special and

peculiar interest in the study of history which is likely to make it a fruitful source of intellectual development and enjoyment for all time to come.

There is another reason justifying the attention of the student of history to local as well as to general affairs, and that is, that it is the best means of getting a clear understanding of certain large events and forces through that accurate knowledge of local events and local forces which the study of local history offers an opportunity of developing. Just as in geography a child may from its own immediate surroundings by studying the local elevations, slight though they may be, by watching the streams, insignificant though they are, get such general geographical ideas as will enable him to understand in a far clearer and better manner the elements in the geography of foreign countries and foreign climes, so in history, the study of the local features and the local traditions will enable the student to collect certain data which will render easy the understanding of the wider sweep of national and world history.

There is still another important circumstance which justifies the study of local history as a part of the general scheme of historical study. I refer to the fact that the life of the local community supplements the life and politics of the larger national community. The entire history of the people is not by any means to be found in the annals of legislative bodies or in the field of what may be called general politics. Many of the most important forces which necessarily determine the course of national development are not reflected in the history of the general governments or in their dealings with foreign nations or with domestic affairs. Thus it

will be found that local history offers an essential supplement to the study of the larger and more general features of national history.

It may also be urged with reason that a knowledge of State and local history conduces to a love of country. He who is a stranger to the history and traditions of his own local community is not likely to possess that patriotism upon which rests, in the long run, the salvation not only of the local community but of the nation as well. The more the citizen knows and understands of the history and government of his own community the greater will be his interest in all public affairs. To be taught that our fathers labored, and fought, and sacrificed for the good of the community is to be inspired with that courage which makes good citizens. From the standpoint of the public good our high schools can offer no more valuable courses of instruction than those which lead to better citizenship.

All these considerations, which apply in a general way to the study of local history as distinguished from general history, have a special force in this our own country owing to the peculiar nature of our government and of our institutions. Our nation is organized on the federal plan, being composed of States themselves organized on the principles of local self-government. The history of townships, counties, and States is, therefore, of special significance in the study of American history.

Owing to the political, social, and industrial constitution of our society a large number of important elements in our national history fail to be reflected within the ordinary field of national policy, national discussion, and national admin-

istration. This is rendered especially apparent by a comparison of our own history with that of England, for example. If you study the history of England your will find that the questions of the support of the poor, of the proper organization of municipal government and the organization of public education, and the administration of public health, have entered into national politics in such a way that no one could write a general history of England without giving large attention to these problems. They are the points about which national policy has turned; they are the questions on which ministries have risen and fallen. Nor are these same questions at bottom of less importance in this country to a full understanding of our history as a nation. But at no place in the field of our national politics do they appear as important considerations. If, therefore, these vital social and political problems are to be studied at all, if they are to receive the attention which they certainly ought to have in any general scheme of historical instruction, they must be included in the study of State history which has turned to so large an extent about their solution.

The study of State history in this sense in the United States is a very essential and necessary supplement to the study of general American history in order to give any adequate view of the course of national progress. Even in the field of national politics, pure and simple, in the field of those questions which, by the terms of our Federal Constitution, are intrusted to our national government, the part which the States as States have played is extremely important. The great struggle for the existence of the Union turned largely upon the attitude of the individual States.

The most important problems in our national history can be understood and appreciated only through the study of State life, of the State idea, and of the part which that idea played in our national existence. Surely, then, these are circumstances which justify giving a certain portion of the time devoted to historical study to the examination of these particular things.

The considerations which I have thus far presented apply to the study of State history generally in the high schools of our country. But here in the Middle West, in the great Valley of the Mississippi, there are special reasons for urging the study of State and local history. The intrinsic interest and importance of the history of this region can no longer be questioned. To be sure the history of Massachusetts, of New York, of Pennsylvania, and of Virginia is fuller of content since it extends over a much longer period of time than does the history of such States as Ohio, Illinois, Iowa, and Wisconsin. But ever since the close of the Revolution, when the defiles of the Alleghanies began to be filled with emigrant wagons bound for the West, the Mississippi Valley has literally been the central region of interest in our American history. The eastern States secured independence and established the nation. It remained for the Territories and States of the West to develop that nation. They brought into American history those factors and elements which are genuinely American. The history of these western States—these frontier democracies—is certainly interesting, important, and full of suggestion.

Take Illinois as an example. The history of the Indian and the Mound-builder, the marvelous story of the explora-

tions of Marquette and LaSalle, and the magnificent efforts by which this territory was annexed to the crown of France stir the imagination and arouse and excite the attention and fix the interest of the student of history the more deeply the longer it is studied. Certainly the annals of no eastern State have to show a more picturesque or interesting chapter calculated to stir the emotions of the historian than the earliest chapter in the history of the Illinois country. Again, the story of the winning of this territory from the French crown, the subsequent story of maintaining its possession in the hands of the English against the Indians, and above all the story of its acquisition by the infant republic during the Revolutionary War may rank in interest with any which the annals of this country can offer. The great march of George Rogers Clarke across the Illinois country to Kaskaskia and back again to Vincennes ranks among the great events of a similar kind, not simply in the history of this western country, or of the United States, but of the world; and the oftener the story is told, and the more fully its significance is understood, the greater the place which will be accorded to it in the history of this country.

The organization of this whole region in the Northwest Territory was not merely an interesting incident in the life of one or two States, but is to be viewed as one of the most important and far reaching events in the life of the republic, as an act the significance of which is not at all seen in the ordinary accounts of it given in the general history of the United States. And when subsequently the time came for the admission of this Illinois territory into the Union as a State, the fact that its northern boundary was placed at

42° 30′ instead of at the lower end of Lake Michigan, where it was first designed to be, turned out to be one of the most important events in the history of the country; for, possibly, upon that fact depended the subsequent circumstance that Illinois sided with the North in the great struggle for the Union, and thus turned the scale in favor of a single national existence as opposed to a number of nations on this continent. Then too, the history of the struggle of this State over the slavery question, its experience in the matter of internal improvements, the great struggle over the free school, all these are interesting and vital chapters, not merely in the history of Illinois, but, because they represent similar movements in other States, also in the history of the Union. It is, indeed, a history without which the history of the Union cannot be understood in any proper sense.

The same local interest and the same national importance attaches to the history of Wisconsin. There the romance of Jesuit missionaries and the exploits of French fur traders are no less fascinating; while the early and steadfast support which that State gave to the fundamental principles upon which the nation was founded may justly be regarded as a significant contribution to the political evolution of the American people. Indeed each of the five States of the Old Northwest has made its special contribution to our national as well as to our local annals.

And if we look a little farther and across the Mississippi we behold the vast Province of Louisiana, the event of whose purchase in 1803 from Napoleon has been ranked next in importance and political significance to the Declaration of Independence and the adoption of the federal con-

stitution. The negotiations leading up to the signing of the treaty of purchase are among the most interesting in the annals of American diplomacy. But still more entertaining is the story of the planting and growth of the trans-Mississippi Commonwealths.

The later history of these States of the Middle West, the rise of the railway with all the questions which grew out of railroad regulation and control, the steady tendency to increase the functions of the State in the direction of the support of the poor, the support of higher education, the general social legislation reflected in the laws regulating the employment of children or in those regulating the conduct of the mining business and similar departments, all represent a most important side of the life of the American people—a side which is almost absolutely neglected in our national histories because, forsooth, this particular study of national life does not fall under the jurisdiction of the federal authority. The fundamental and important place which the city is coming to occupy in modern society can be fully seen only from the study of this subject as a part of the State government, although it has, of course, become a most important part of the influence which determines national politics as well.

We citizens of the States of the north Mississippi Valley are fortunate in that in studying the history of our own States we are undoubtedly studying the life of States which are destined to occupy increasingly important positions in the life of the nation. We need not feel, therefore, that in studying the history of our own States we are spending our time upon the study of political units whose parts have

been played and whose importance is destined to wane with every succeeding decade. On the contrary, our children's children are likely to be still looking forward to the increasing importance assigned in the life of our great republic to the work, and thought, and action of these Commonwealths. It is a picturesque, a glorious, and an important history. Their future history is destined to be, if not more picturesque, even more important in our national annals than it has been thus far. Surely we can afford to give our children the opportunity to know something more of their past than is to be found in the ordinary volumes on United States history which are studied in our schools.

As American citizens we have a still more glorious heritage. We all feel that whatever may be the relative position assigned to the history of the American republic in the general history of the world down to 1900, certainly a larger and ever increasing place must be assigned to it in the future if we do not prove recreant to the trusts which are devolved upon us.

George Washington would have been a great man even if he had been condemned to run his career in a State which had come to an end within a generation of his death. He would have been a great figure if he had lived in one of the obscure South American states; but he never could have assumed the commanding place which is assigned to him to-day, if it had not been for the subsequent growth of this great republic which he helped to found. Every added increment of strength and glory to our nation will give an added prominence to those great men who laid broad and deep its foundations, or to those later men who builded in

many cases wiser than they knew upon the foundations of the fathers of the republic. So the things we are doing to-day will acquire an added importance and an added significance as the years roll on from the ever increasing power and position of this republic among the nations of the earth.

EDMUND J. JAMES

NORTHWESTERN UNIVERSITY
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THE REGULATION OF PRIMARY ELECTIONS BY LAW

The nomination of candidates by the various political parties and the election of officers to fill the many places of public trust in the city, county, State, and national governments are of growing importance to the American people. The increasing density of the population of the United States from 4.9 persons to the square mile of area in 1790[1] to 25.6 persons to the square mile of area in 1900,[2] and the fact that there are some 21,329,819[2] voters in the United States particularly emphasize this importance.

Furthermore, the concentration of 37.3 per cent of our entire population in cities,[3] which has accompanied the rush for commercial supremacy, is having a wonderful and wide felt influence upon the political and social development of our nation. Nevertheless the desire to maintain our free institutions and the principles of pure democracy in our government is stronger today among the 76,000,000 people than it was in 1789, at the time of the adoption of our national constitution, when there were but 4,000,000. This desire is especially evidenced by the general and growing interest throughout the United States, and within the dominant party in the respective States, in the regulation of primary elections by laws which provide that nominations

[1] U. S. Census for 1790.

[2] U. S. Census for 1900.

[3] U. S. Census for 1900.

shall be made by the direct vote of the members of the political party.

The agitation for reform in nominating systems has been going on ever since the earliest political history of our nation. It has been an evolution. At first the members of the colonial assembly, and afterwards the members of the State legislature, when that body was in session at the colonial or State capital, held a meeting and made nominations for the various district and State offices. They also directed or made the nominations for the county offices; while members of the political parties in Congress named the congressional, senatorial, and presidential candidates.[1] But as the population increased and the people became better acquainted with the plan of a republican form of government, the rank and file became more interested in public affairs and finally expressed a desire to participate in the control of the government machinery. Thus there arose a desire among the people to nominate their own representatives either directly or through delegates selected to represent their wishes.[2]

About the year 1832 the assumed power of party leaders in the legislatures and in the Congress of making nominations was lost to them; and the right of naming their own candidates and making their own political party platforms was demanded by the masses of the people themselves who, after all, really constituted the power of government.[3]

[1] Von Holst's *Constitutional History of the United States*, Vol. II, pp. 38, 39.

[2] Schouler's *History of the United States*, Vol. IV, p. 81.

[3] Johnston's *American Politics*, p. 118.

At this juncture the caucus and convention system of nominations was established. It continued as a nominating system without interruption in local, State, and national politics until after the Civil War closed in 1865. During this period the great question of slavery overshadowed all other problems of political betterment.

By the caucus and convention system delegates were selected by those who attended the caucus to represent them at the various county, district, and State conventions. But under the workings of this plan many thought themselves misrepresented, and they complained that the caucuses and conventions were too often open to the manipulations of party bosses. And so there arose in time a demand for the nomination of party candidates for local, district, and State offices by the direct vote of the members of that party *only* at whose hands the candidates asked a nomination.

This system by which the political party nominates its candidates by a direct vote of all its qualified members without the intervention of delegates to represent the choice of the people, but rather having that choice determined by the largest number of votes cast for any one candidate, has been generally designated as a *Primary Election.* Primary elections are conducted within the political party on the same basis as the general election in November; and the candidates are nominated by the members of the party voting directly for the candidates of their own choice.

The first step toward the regulation of primary elections by law was taken by the legislature of California in 1866 when an imperfect law was passed providing for the election of delegates at primaries by a direct vote.[1] The next step

[1] *Session Laws of California*, 1866.

was the introduction of the direct vote, or primary election system, in Crawford County, Pennsylvania, in 1868.[1]

Since those first attempts in California and Pennsylvania, some thirty-one different State legislatures have enacted laws of one kind or another for the regulation of primary elections.[2] Most of this legislation has taken place during the last ten years and is of a varied character. It is either state-wide or local; and it is compulsory or optional. The primary election is either conducted by the political party, or it is under the control of the State itself. The table below shows the States which have some form of primary election regulation or law which recognizes a primary election, and those which have no such regulation or law; the plan upon which the primary election is operated; the approximate dates of adoption and amendments; the ballot system used at general elections; and the plurality party in the State.

The table on the opposite page was compiled partly from data received through correspondence with the Secretaries of all the States, and partly from the laws of the several States relating to elections in general and to primary elections in particular.

[1] Meyer's *Nominating Systems*.

[2] Special correspondence with the Secretaries of States.

STATE	SYSTEMS OF NOMINATION PROVIDED BY LAW	DATES OF ADOPTION AND AMENDMENTS	HOW CONDUCTED	STATE-WIDE OR LOCAL	BALLOT SYSTEM USED AT GENERAL ELECTION	PARTY IN PLURALITY AT NOVEMBER ELECTION, 1901
ALABAMA	Optional primary	1899	Left to political party	Either	State Law	41619 D
ARKANSAS	Optional primary	1895	Left to political party	Either	State Law	36342 D
CALIFORNIA	Compulsory primary in cities and counties of 7500 and over. Optional primaries in others	1866 1895, 1897 1899 1901	Law of State	Local	Australian	39770 R
COLORADO	Caucus and convention				Aust. mod.	29661 D
CONNECTICUT	Optional primary upon petition	1901	Law of State	Local	State Law	28570 R
DELAWARE	Law for selection of delegates in New Castle county. In others caucus and convention	1887 1897	Law of State	Local	Australian	3671 R
FLORIDA	Optional primary	1897, 1901	Law of State	Either	State Law	20693 D
GEORGIA	Optional primary	1887, 1891	Left to political parties	Either	State Law	46660 D
IDAHO	Caucus and convention				Aust. mod.	2448 D
ILLINOIS	Compulsory primary in counties of 125000. Optional primary in all others. Adopted by vote of people	1885 1889 1898 1899	Law of State	Local	Australian	94924 R

Indiana	Optional primary in counties with cities of 50000 or over.	1901	Law of State	Local	Australian	26479 R
Iowa	Primary legalized and optional. Caucus and convention system prevails	1898	Left to political parties	Local	Australian	98352 R
Kansas	Primary legalized and optional	1897	Left to political parties	Local	Australian	23354 R
Kentucky	Optional primary. (Constitutionality of law in question)	1880 1892	Law of State	Either	Australian	7975 D
Louisiana	Optional primary	1900	Left to political parties	Either	State Law	39438 D
Maine	Caucus and Convention. Law regulating caucus in cities				Australian	28613 R
Maryland	Compulsory primary in Baltimore. Optional primary in other counties	1902	Law of State	Local	Australian	13941 R
Massachusetts	Compulsory, caucus or primary	1888, 1894 1895, 1896 1897, 1902	Law of State	Either	Australian	81869 R
Michigan	Compulsory primary in Grand Rapids and Kent county	1901	Law of State	Local	Australian	104584 R
Minnesota	Compulsory primary	1899, 1900 1901	Law of State	State-wide	Australian	77560 R
Mississippi	Optional primary	1899, 1902	Law of State	Either	Aust. mod.	45953 D

Missouri	Compulsory Primary in St. Louis and Kansas City. Primary legalized and optional in other counties	1889, 1891 1893 1897 1901	Law of State and left to political parties in other counties	Local	Australian	37821 D
Montana	Primary legalized and optional	1895 1901	Law of State	Local	Aust. mod.	11773 D
Nebraska	Primary legalized and optional	1887 1899	Law of State	Either	Australian	7822 R
Nevada	Primary legalized and optional	1883	Left to political parties	Local	Australian	2516 D
New Hampshire	Primary legalized and optional		Left to political parties	Local	Australian	19314 R
New Jersey	Primary legalized and optional	1878, 1883 1884	Left to political parties	Local	Aust. mod.	56899 R
New York	Compulsory primary in cities of 5000 and over. Optional primary in other places	1898, 1899 1900, 1901 1902	Left to political parties	State-wide	Australian	143606 R
N. Carolina	Voluntary primary only		Left to political parties	Local	State Law	24671 D
N. Dakota	Caucus and convention				Australian	15372 R
Ohio	Primary legalized and optional	1898	Left to political parties	Local	Australian	6936 R
Oregon	Compulsory in cities of 10000 or more	1901	Law of State	Local	State Law	13141 R
Pennsylvania	Primary legalized and optional	1881 1883	Left to political parties	Local	Australian	288433 R

Rhode Island	Compulsory primary in cities of Providence, New Port, and Pawtucket. Caucus and convention in other places	1899 1902	Law of State	Local	Australian	13972	R
S. Carolina	Optional primary	1888, 1896 1900	Left to political parties	Either	State Law	43657	D
S. Dakota	Caucus and convention				Australian	14986	R
Tennessee	Optional primary in counties of 110000 to 130000	1885, 1890 1899, 1901	Law of State and general election law	Local	Australian	23557	D
Texas	Primary legalized and optional (not used)	1895	Left to political parties	Either	Aust. mod.	146164	D
Utah	Optional primary	1899	Left to political parties	Local	Australian	2133	R
Vermont	Caucus and convention.				Australian	29719	R
Virginia	Primary legalized and optional	1892, 1894 1896	Left to political parties	Local	Australian	30215	D
Washington	Primary legalized and optional	1890 1895	Law of State	Either	Australian	22623	R
W. Virginia	Primary legalized and optional	1891	Left to political parties	Local	State Law	2160	R
Wisconsin	Caucus and convention				Australian	106581	R
Wyoming	Caucus and convention				Aust. mod.	4219	R

It is to be noted in particular, as shown by the above table, that the States may be divided into about four groups as to their primary election legislation as follows:

First. The southern group, consisting of South Carolina, North Carolina, Georgia, Virginia, West Virginia, Tennessee, Alabama, Mississippi, Louisiana, Florida, Texas, Arkansas, and Kentucky. In this group there are in all thirteen States. The region is largely agricultural, and includes a larger number of States which have state-wide primary election laws than any other section of our country. Kentucky appears to have the best system.[1]

Second. The eastern group, consisting of Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Delaware, and Maryland. This group contains eleven States located in a manufacturing region, and includes all the original colonies except three—South Carolina, North Carolina, and Georgia. In this group the town meeting prevailed at an early day, and traces of this institution still remain. It is a region of local primary election legislation. Of this group New York has the best system.[2]

Third. The western group, consisting of California, Oregon, Nevada, Colorado, Utah, Montana, Wyoming, Idaho, and Washington. This group contains nine States, located in the mining region of the United States and covering the largest extent of territory. The area of this group is the least densely populated of any of the four. In this group California has the most complete system.[3]

[1] *Session Laws of Kentucky*, 1892.
[2] *Session Laws of New York*, 1902.
[3] *Session Laws of California*, 1901.

Fourth. The north-western group, consisting of Ohio, Indiana, Illinois, Missouri, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, South Dakota, and North Dakota. This group contains twelve States, and embraces the richest agricultural region of the United States. It was the last to develop primary election systems of nominations. Of this group Minnesota has indisputably the most complete and perfect system.[1]

The first efforts toward securing the passage of a primary election law in Iowa were made in the Twenty-sixth General Assembly in 1896.[2] On January 20th of that year Senator J. L. Carney, of Marshall County, introduced in the Iowa Senate, Senate File 29, "A bill for an act to regulate primary elections for nominations of candidates by political parties or associations, and to prevent frauds therein." The bill was referred to the committee on elections of which Mr. Carney was chairman. On February 13th the committee reported a substitute for the Carney bill.[3] The substitute had in it all the essential features of the Carney bill, and was much more complete. It authorized the holding of primary elections and provided for the adoption of the system by political parties. The whole machinery of the system was to be in the hands of the political party adopting it. The substitute was in fact the same as the Early bill, House File 45, which had been introduced in the House of Representatives about February 1st.[4] On February 21st the

[1] *Session Laws of Minnesota*, 1901.

[2] *Senate Journal*, 26th G. A. of Iowa, session 1896, p. 50.

[3] *Senate Journal*, 26th G. A. of Iowa, session 1896, p. 219.

[4] *House Journal*, 26th G. A. of Iowa, session 1896, p. 90.

committee substitute was considered by the Senate and lost by a vote of 11 to 27, there being twelve Senators not voting. This vote was reconsidered on February 25th and carried, and the bill as substituted was recommitted to the committee on elections. On March 3d the committee again reported favorably on the substitute to Senate File 29, and on March 19th it passed the Senate by a vote of 35 to 8, there being seven Senators not voting.[1] The committee substitute had, however, been very much altered by amendment. Several Senators voted "no" because they thought it unconstitutional as it passed the Senate. The bill as it passed the Senate was then sent to the House, where House File 45, being the same as the committee substitute to Senate File 29 without the Senate amendments, was substituted for the Carney bill. This was the end of the matter.

The bill never became a law. During the time the Carney and Early bills were being considered the McNulty bill was introduced in the House as House File 66.[2] It was a very meager measure, and was entitled "An act to regulate the holding of primary elections." It merely authorized the holding of primary elections. The House committee on elections reported it unfavorably, and it was indefinitely postponed. Then the Twenty-sixth General Assembly adjourned without having placed a single line on the Iowa statute books whereby primary elections were authorized or regulated, although three optional measures had been introduced. And at the extra session of the Twenty-sixth General Assembly, held in 1897, no further attempt was made

[1] *Senate Journal*, 26th G. A. of Iowa, session 1896, p. 596.

[2] *House Journal*, 26th G. A. of Iowa, session 1896, p. 92.

to pass a primary election measure or even to authorize the holding of primary elections.

The efforts to secure an optional primary election law, or any law which would authorize a primary election, which came to naught in the Twenty-sixth General Assembly, were revived in the Twenty-seventh General Assembly in 1898. Senator J. L. Carney, of Marshall County, again introduced in the Iowa Senate, on January 17, 1898, Senate File 20 which contained in a very much abreviated form the essential features of the measure he introduced in the Twenty-sixth General Assembly.[1] It authorized the political parties to adopt the primary election system and provided regulations therefor. After remaining in the hands of the committee on elections for some time, it was unfavorably reported. It was considered by the Senate on March 25th and indefinitely postponed.

On February 2nd, during the same session, Senator William Eaton, of Sidney, introduced by request Senate File 123, which was "A bill for an act to prohibit illegal voting at primary elections and caucuses, and providing penalties therefor."[2] On March 23d the committee on elections reported the bill back to the Senate with several amendments, of which the principal ones related to striking out the word caucus wherever it appeared in the original bill. The committee recommended its passage.[3] Nothing more was done with Senate File 123, but in its stead there was taken up House File 150, which was introduced in the House by Hon.

[1] *Senate Journal*, 27th G. A. of Iowa, session 1898, p. 102.

[2] *Senate Journal*, 27th G. A. of Iowa, session 1898, p. 276.

[3] *Senate Journal*, 27th G. A. of Iowa, session 1898, p. 747.

W. L. Eaton of Osage, Iowa, by request. This bill was reported favorably to the House on February 10th, considered by the House on February 15th, and lost by a vote of 44 to 50.[1] The vote by which the bill was lost was reconsidered on February 26th and carried by a vote of 50 to 38. On March 22nd the Eaton bill passed the House by a vote of 53 to 32.[2] It was reported to the Senate, and after some minor amendments were added it was passed by a vote of 30 to 6.[3] The House concurred in the Senate amendments. Thus there was adopted the first measure which authorized primary elections to be held in Iowa and provided certain penalties. The Eaton bill in the Senate and the W. L. Eaton bill in the House were identically the same.

The law as it now stands on our statute books as section 4919–a–b–c–d, of the *Code Supplement of 1902*, merely authorizes political parties to hold primary elections if they so desire for the purpose of nominating candidates and for selecting delegates to conventions, provides some slight penalties for violating its provisions, allows the political party judges to administer oaths, and declares that any person testifying falsely thereat shall be guilty of perjury and punished accordingly. The law plainly states that nothing shall be construed to apply to conventions held under the caucus system. The statute is as follows:[4]

Section 4919—a. Illegal Voting—Penalty. Whenever any political party shall hold a primary election for the purpose of nom-

[1] *House Journal*, 27th G. A. of Iowa, session 1898, p. 431.

[2] *House Journal*, 27th G. A. of Iowa, session 1898, p. 846.

[3] *Senate Journal*, 27th G. A. of Iowa, session 1898, p. 773.

[4] *Code Supplement*, 1902, p. 537.

inating a candidate for any public office or for the purpose of selecting delegates to any convention of such party, it shall be unlawful for any person not a qualified elector, or any qualified elector not at the time a member in good faith of such political party, to vote at such primary election. Any person violating the provisions of this section, and any person knowingly procuring, aiding, or abetting such violation, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed one hundred dollars or be imprisoned in the county jail not to exceed thirty days.

Section 4919—b. PRIMA FACIE EVIDENCE. It shall be prima facie evidence of the violation of the preceding section, for any person who has participated in any primary election of one political party, to vote at a primary election held by another political party, to select candidates to be voted for at the same election; or to select delegates to any convention of the party holding such primary election.

Section 4919—c. AUTHORITY TO ADMINISTER OATHS. Any judge of such primary election shall have power to administer oaths to, and to examine under oath any person offering to vote at such election, touching his qualifications to participate in such primary election, and it shall be the duty of such judge of election to so examine or cause to be examined any person challenged as to his right to vote. Any person testifying falsely as to any material matter, touching his qualifications to participate in such primary election, shall be deemed guilty of perjury and punished accordingly.

Section 4919—d. WHAT EXCEPTED. Nothing in this act shall be construed to apply to conventions held under the caucus system.

Under the above statute any political party in any county in Iowa may adopt the primary election system for its own government and then drop the same whenever it wishes to do so. It is entirely optional, local, and without regulation by law whatever except as stated in the foregoing statute. In the Twenty-eighth General Assembly of Iowa, which

met in 1900, there were no primary election measures introduced.

The first *compulsory* state-wide primary election measure proposed in Iowa was introduced in the Iowa Senate on January 21, 1902, during the session of the Twenty-ninth General Assembly, by James J. Crossley, of the Madison-Adair district.[1] It was Senate File 2 and known as the Crossley bill. It was introduced in the House on January 22nd during the same session by Mr. Crossley's colleague, Hon. Robert A. Greene, as House File 8.[2] In the Senate the bill was referred to the committee on elections where it was allowed to remain. No report of it was ever made to the Senate, although its friends made repeated efforts to have it brought out before the Senate. In the House the Crossley bill was referred to the committee on elections from which a committee substitute, which contained some slight modifications of the original bill, was reported favorably to the House on March 7, 1902.[3]

The bill was considered by the House on March 19th when, after a long and heated debate and the addition of many amendments whereby the measure was made optional with the counties, was made to apply to municipal elections in cities of 10,000 population or over, and the question of its adoption was to be voted on at the November election in 1902, it was finally lost by a vote of 48 to 51 against its adoption.[4] This was the first real contest for a direct-vote

[1] *Senate Journal*, 29th G. A. of Iowa, session 1902, p. 68.

[2] *House Journal*, 29th G. A. of Iowa, session 1902, p. 71.

[3] *House Journal*, 29th G. A. of Iowa, session 1902, p. 586.

[4] *House Journal*, 29th G. A. of Iowa, session 1902, p. 813.

primary election law in Iowa; and although the advocates of the system lost the battle they are inclined to consider this first struggle as only preparatory to the efforts which will be put forth by its friends in the future.

The salient feature of the Crossley bill was that it was compulsory and state-wide. It included the nomination of all the candidates and delegates by all political parties having at least two per cent of the total vote cast at the last general election; it provided that the primary election for all parties should be held on the same day, at the same place, and conducted by the same officials who preside at the general election in November; and the Australian ballot system was to be used except that separate tickets for each political party were to be provided, but they were all to be cast in the same ballot box and returns made to the county auditor.

For more detailed examination the bill is herewith given in full as follows:[1]

Senate File No. 2—By Crossley. *Elections.*

A BILL.

For an act providing for the nomination of officers, and the election of delegates to conventions of political parties or organizations, by Primary Election.

Be it Enacted by the General Assembly of the State of Iowa:

Section 1. That in the nomination of candidates for all township, county, district, and State offices, all political parties shall comply with the regulations hereinafter provided for a primary election.

Sec. 2. This primary election shall consist of an election by all

[1] Committee substitute in *House Journal*, 29th G. A. of Iowa, session 1902, p. 586.

political parties held on the last Friday in June of each year at the usual voting places at the several precincts and conducted on the same plan as the regular election held in November, and said primary election day shall be and constitute a day of registration of electors for the next ensuing election in all election precincts where the requirements of the Code in the matter of registration of voters are applicable, and shall be in addition to the days now provided by law for the registration of electors in such precincts; but nothing herein shall be construed to affect the date or time of the subsequent registration days now provided by law.

Sec. 3. The judges and clerks of said primary election shall be the same as for the regular election in November, and they shall take the same oath as is provided for the judges and clerks of the regular election held in November, and their duties and compensation shall be the same, and the expenses of said primary election shall be paid by the county in which the said primary election is held.

Sec. 4. The Australian ballot system as now used in this State, except as hereinafter provided, shall be used at said primary election in all precincts, and the polls shall be open from 1 p. m. until 7. p. m.

Sec. 5. All persons who will be entitled to vote in the precinct at the election held in the following November, shall be entitled to participate in the primary election (unless challenged, and if challenged then only in the event that the challenge is determined in favor of the voter) and shall be entitled forthwith but not later to receive a ballot of the political party with which he then declares (under oath if his right thereto is challenged) that he affiliated, and whose candidates he generally supported at the last general election, and with which party he proposes to affiliate at the next election; and the elector voting at said primary election shall be allowed to vote for candidates for nomination on the ticket of only one political party, the nominees of which party he will vote for at the general election the following November; provided, that a first voter shall not be required to declare his past political affiliation. The endorsement of the judges of election and the fac simile of the county audi-

tor's signature shall appear upon the ballot as provided by law for the ballots used at the November election. A judge of election shall instruct the voter that he is to vote for his choice for each officer using only the ballot of the party with which he affiliates, and that he must return the ballot folded, that it may be deposited in the ballot box.

Sec. 6. The names of candidates for nomination shall be given to the county auditor at least 10 days before said primary election day, when such candidates are to be voted for only within one county, and the names of candidates for nomination shall be given to the Secretary of State at least 20 days before said primary election day, when such candidates are to be voted for in the several counties comprising representative, senatorial, judicial, and congressional districts, and the names of candidates for nomination shall be given to the Secretary of State at least 30 days before the said primary election day, when such candidates are to be voted for in all the counties of the State of Iowa, in all of which instances said candidate shall by affidavit state that he is a resident of the county, district, or State in which he is and will be a bona fide candidate for nomination for said office as follows:

I, A.....B....., being duly sworn, say that I reside at.....Street.....(city or town) of.....county of.....State of Iowa and am a qualified voter therein, and a(name of party), that I am a candidate for nomination to the office of.....to be made at the primary election of said party to be held on..... and hereby request that my name be printed upon the official primary ballot as provided by law, as a candidate of the party.

(sign here).....

Subscribed and sworn (or affirmed) to before me..... on this date.....190...

.....

And it shall be the duty of the Secretary of State to certify to the auditors of the several counties of said district of the State of Iowa,

the names of such candidates at least 10 days before the holding of said primary election. The candidates for nomination for each and every political party for the several offices shall be printed on separate and uniform ballots with the name of the political party printed at the head of such ballot; and no political party shall participate in any primary election except those having cast at least two per cent of the total vote cast at the last preceding general election.

Sec. 7. Poll books in the manner provided by law shall be furnished for the primary election board of each precinct and shall contain blank spaces for the names of the candidates of the several parties for the different offices to be written in, and blank spaces for the registration by the clerks of the names of the electors voting at said primary election, and upon the pages provided for the registration of said voters there shall be ruled commencing at the left hand side of each page separate columns perpendicularly, and across each line upon which the name of a voter is to be registered and headed at the top of said page with the word "Republican," "Democratic," "Populist," "Prohibition," "Socialist," etc., to designate the several parties, the first mentioned to be placed in the first of said columns and so on in numerical order. It shall be the duty of the clerks of the primary election when registering the name of a voter to place a cross thus (X) in the column designating the party ticket which was given to said voter upon his application for a ticket, and upon the final canvass of votes by the said board of primary election the number of ballots of each party taken from the ballot box must correspond with the number of names and crosses in that party's column upon the poll books.

Sec. 8. Upon the completion of the matters prescribed in the last section and upon the closing of the polls, the clerks and judges shall immediately open the ballot boxes at each polling place and proceed to take therefrom the ballots. Said officers shall count the number of ballots cast by each party, at the same time bunching the tickets cast for each party together in separate piles, and shall then fasten each pile separately by means of a brass clip, or may use any means

that shall effectually fasten each pile together at the top of each ticket. As soon as the clerks and judges shall have sorted and fastened together the ballots of each separate party, then they shall take the tally sheets provided in the poll books and shall count all the ballots for each party separately until the count is completed, and shall certify to the number of votes cast for each candidate for each office upon the ticket of each party. They shall then place the counted ballots in the box, but in no case shall they separate them from each other. After all have been counted and certified to by the clerks and judges they shall seal the returns for all parties in one envelope, on the outside of which shall be printed or written in perpendicular columns the names of the several political parties with the names of the candidates for the different offices under their respective party heading, and opposite each candidate's name shall be placed the number of votes cast for such candidate in such precinct, and at the bottom the total vote cast by each political party in said precinct to be returned to the county auditor.

Sec. 9. Returns of the vote cast at said primary election shall be made to the county auditor, and a certification of the result of said vote shall be made by the county auditor to the chairman of the county central committees of the several political parties participating in said primary election by 1:30 p. m. of the Saturday following the first Friday in June, and these returns shall be reviewed as to the result of the vote on their own party candidates by the county central committee in open convention hereafter provided for, and those candidates receiving the highest number of votes shall be declared the nominees of the party, and in case of a tie vote it shall be decided by lot drawn by the chairman of the county central committee or by the chairman of the convention. There shall be conventions of delegates of the different political parties held on Saturday following the first Friday in June as aforesaid, at an hour and place designated by the county central committee, the chairman and secretary acting for them, and said call shall be published in a newspaper in the county for at least ten days preceding the time of meeting.

Sec. 10. Delegates to the county convention shall be voted for in each voting precinct at the same time the primary election for the selection of party nominees is made, and these delegates selected shall attend the county convention of the party for which they are chosen, where they shall select delegates for the district and State conventions of their party and transact such other business as may come before them.

Sec. 11. The selection of delegates to the county convention shall be made in the following manner: The requisite number of delegates to which each precinct is entitled shall first be determined, and a like number of blank lines placed on each ballot. The names of candidates, delegates, and alternates shall all be printed or written upon the primary election official ballot. The voter while in the booth shall write or paste on the blank lines provided on the ballot the requisite number of names of persons of his choice to act as delegates, and the requisite number of persons for delegates receiving the highest number of votes cast shall constitute the delegates from such precinct to the county convention, and the requisite number receiving the next highest number of votes shall constitute the alternates. In case of a tie vote on any delegate or delegates, the matter shall be decided by lot to be cast then and there as the primary election board may determine.

Sec. 12. The delegates to the county convention, therein assembled, shall select delegates to the various district and State conventions, to the number of which they are entitled, in such manner as said convention may determine. And the delegates selected to the several district and State conventions shall, when in attendance upon said conventions, make nominations for the various district and State offices, and transact such other business as may legally come before them.

Sec. 13. Candidates for nomination to State offices shall pay into the hands of the Secretary of State at the time of filing their affidavits of candidacy the sum of $100.00, and candidates for nomination for district offices at such time a sum equivelent to $10.00 for each county

before whose electors they are candidates, and if to be voted for in only one county $10.00 to the county auditor thereof, a receipt for which will be given them; and the county auditor shall place their names upon the primary election ballot of their party as hereinbefore provided; provided, however, that the candidates of no political party having cast at least 10 per cent of the total vote cast at the preceding general election shall be placed on the official ballot in the November election following, by petition, but said candidates must stand for nomination at the primary election held in June.

Sec. 14. The Secretary of State and county auditor shall number the affidavits provided for in Section 6 of this act and file them, in numerical order, as received, and the names of candidates for the same office shall be placed on the ballot in the same numerical order. In case of fees paid to the Secretary of State as aforesaid, he shall immediately after the last day for filing affidavits of candidacy, and at the time of certifying such candidacies to the county auditors as provided for in section 6 of this act, divide the amounts of the fees of candidates paid to him equally between the counties before whose electors they are candidates for nomination, and issue warrants for said amounts to the State Treasurer, who will remit and pay the same at once to the treasurers of said counties respectively.

Sec. 15. All acts and sections of the Code in conflict herewith are hereby repealed.

Sec. 16. Nothing in this act shall be construed as amending or changing in any way the manner of certification of nominations to the county auditors and Secretary of State, or of the placing of the names of said nominees on the official ballot for the November election.

Sec. 17. This act shall take effect and be in force from and after its publication in the Iowa State Register, and the Des Moines Leader, newspapers published in Des Moines, Iowa.

The above measure was endorsed by the Polk County Republican committee in the spring of 1902, and by the

Republican congressional convention of the seventh district, which met at Perry on July 10th of the same year; but it was turned down by the committee on resolutions at the Republican State convention which met at Des Moines on July 30, 1902.

That there is a general and voluntary movement throughout the State of Iowa in favor of the enactment of some kind of a primary election law is evidenced by the fact that there are 36 counties of the 99 in the State where one or the other of the two leading political parties have adopted a system of primary election rules under which they nominate their candidates for the township, county, and legislative offices, and elect delegates to the county convention.[1]

The following table is interesting as it shows the system of nominations used in each county in the State of Iowa, the parties using the same, and the party which has a plurality in the county:

COUNTY	SYSTEM OF NOMINATIONS USED IN 1902 BY REPUBLICANS	SYSTEM OF NOMINATIONS USED IN 1902 BY DEMOCRATS	PARTY[2] PLURALITY IN 1902
Adair	Primary Election	Caucus and Con.	750 R
Adams	Caucus and Con.	" " "	576 "
Allamakee	" " "	" " "	591 "
Appanoose	" " "	" " "	756 "
Audubon	" " "	" " "	598 "
Benton	" " "	" " "	928 "
Black Hawk	" " "	" " "	1535 "
Boone	Primary Election	" " "	1556 "
Bremer	Caucus and Con.	" " "	196 D
Buchanan	" " "	" " "	622 R

[1] Special correspondence with all the County Auditors of Iowa.

[2] From official vote received at Secretary of State's office, November, 1902.

Buena Vista	Primary Election	Caucus and Con.	1164	R
Butler	" "	" " "	1308	"
Calhoun	" "	" " "	1109	"
Carroll	Caucus and Con.	Primary Election	260	D
Cass	Primary Election	Caucus and Con.	1068	R
Cedar	Caucus and Con.	" " "	403	"
Cerro Gordo	" " "	" " "	1179	"
Cherokee	" " "	" " "	957	"
Chickasaw	" " "	" " "	237	D
Clarke	Primary Election	" " "	584	R
Clay	" "	" " "	991	"
Clayton	Caucus and Con.	" " "	115	"
Clinton	" " "	" " "	208	D
Crawford	" " "	" " "	200	"
Dallas	Primary Election	" " "	1424	R
Davis	Caucus and Con.	Primary Election	206	D
Decatur	" " "	" "	569	R
Delaware	Primary Election	Caucus and Con.	902	"
Des Moines	Caucus and Con.	" " "	210	D
Dickinson	Primary Election	" " "	1001	R
Dubuque	Caucus and Con.	" " "	1488	D
Emmet	Primary Election	" " "	893	R
Fayette	Caucus and Con.	" " "	1195	"
Floyd	" " "	" " "	1189	"
Franklin	Primary Election	" " "	1244	"
Fremont	Caucus and Con.	" " "	83	"
Greene	" " "	" " "	1196	"
Grundy	" " "	" " "	669	"
Guthrie	Primary Election	" " "	993	"
Hamilton	" "	" " "	1492	"
Hancock	" "	" " "	1176	"
Hardin	" "	" " "	1688	"
Harrison	Caucus and Con.	" " "	808	"
Henry	" " "	" " "	798	"
Howard	" " "	" " "	443	"
Humboldt	Primary Election	" " "	897	"
Ida	Caucus and Con.	" " "	169	"
Iowa	" " "	" " "	126	"
Jackson	" " "	" " "	129	"
Jasper	" " "	" " "	992	"

Jefferson	Caucus	and	Con.	Caucus	and	Con.	696 R
Johnson	"	"	"	"	"	"	502 "
Jones	"	"	"	"	"	"	504 "
Keokuk	"	"	"	"	"	"	209 "
Kossuth	"	"	"	"	"	"	224 "
Lee	"	"	"	"	"	"	509 D
Linn	"	"	"	"	"	"	1807 R
Louisa	Primary	Election		"	"	"	925 "
Lucas	"		"	"	"	"	715 "
Lyon	Caucus	and	Con.	"	"	"	348 "
Madison	Primary	Election		"	"	"	1069 "
Mahaska	Caucus	and	Con.	"	"	"	636 "
Marion	"	"	"	"	"	"	306 "
Marshall	Primary	Election		"	"	"	1909 "
Mills	Caucus	and	Con.	"	"	"	643 "
Mitchell	"	"	"	"	"	"	954 "
Monona	"	"	"	"	"	"	632 "
Monroe	"	"	"	"	"	"	639 "
Montgomery	Primary	Election		"	"	"	1266 "
Muscatine	Caucus	and	Con.	"	"	"	666 "
O'Brien	"	"	"	"	"	"	830 "
Osceola	"	"	"	"	"	"	232 "
Page	Primary	Election		"	"	"	1626 "
Palo Alto	Caucus	and	Con.	"	"	"	436 "
Plymouth	"	"	"	"	"	"	341 "
Pocahontas	"	"	"	"	"	"	698 "
Polk	Primary	Election		"	"	"	5434 "
Pottawattamie	"		"	"	"	"	1230 "
Poweshiek	"		"	"	"	"	1148 "
Ringgold	"		"	"	"	"	1003 "
Sac	"		"	"	"	"	910 "
Scott	Caucus	and	Con.	"	"	"	182 "
Shelby	"	"	"	"	"	"	214 "
Sioux	"	"	"	"	"	"	1078 "
Story	Primary	Election		"	"	"	1998 "
Tama	Caucus	and	Con.	"	"	"	271 "
Taylor	"	"	"	"	"	"	902 "
Union	"	"	"	"	"	"	514 "
Van Buren	"	"	"	"	"	"	604 "
Wapello	"	"	"	"	"	"	606 "

Warren	Primary Election	Caucus and Con.	1265	R
Washington	Caucus and Con.	" " "	716	"
Wayne	" " "	" " "	393	"
Webster	" " "	" " "	1409	"
Winnebago	Primary Election	" " "	1380	"
Winneshiek	Caucus and Con.	" " "	1386	"
Woodbury	" " "	" " "	1777	"
Worth	Primary Election	" " "	977	"
Wright	" "	" " "	1858	"

Of all the counties in the above list, where one or the other of the leading political parties makes its nominations under some system of primary election rules, I find no two that have rules exactly alike; and yet there is a mark of similarity among them all. The same is true of the several States. There are as many kinds of primary election laws as there are States which have adopted the same.

The various leading systems are as follows:—(1) The system by which the primary election is placed entirely in the hands of the political party. (2) The optional plan, whereby the political party or the county may adopt the primary election system of nominations if desired. (3) The compulsory system, where the political parties of the State, or subdivisions of the State, are by law required to use the primary election system. (4) The state-wide system, where the system adopted by the political party, or made a law by the State for all parties, is universal and applicable everywhere throughout the State. (5) The local system, where one of the local political parties has adopted the primary election system of nomination or the State legislature has passed a law applicable only to that particular county or city. Of these systems, many now on the statute books of the various States are dead letters. Among the

States that have real, not formal, primary election laws in force may be mentioned, Minnesota, California, Kentucky, and New York. And of all the States, Minnesota has by far the best system and the most satisfactory plan in use today.

The essential elements of a good primary election law or system seem to be embodied in the following: (1) It must be compulsory for all political parties. (2) It must be state-wide. (3) It must provide that the primary election of all parties be held on the same day, at the same place, and that the same ballot box be used. (4) It should provide for the use of the Australian ballot system, except that tickets for the different political parties should be separate. (5) A record should be kept at the general election in November and the *party affiliation* of each voter should be recorded therein by the judges and clerks of said election. (6) The same officers who conduct the general election should have charge of the primary election, and they should receive the same compensation per diem. (7) The expenses of the primary election should be paid by the State or county, so that no undue advantage may be given to any one political party over another. The Minnesota law complies more nearly with these requirements than does any other law for the regulation of primary elections in the United States. The nominations made under the Minnesota law in the year 1902 seem to have given almost universal satisfaction.

Wherever one political party is largely in the majority, or has a safe plurality, there the contest for office is sure to be made at the time of the nomination of candidates for that

party. In the North this contest for office occurs at the time of the nomination of the Republican candidates; while in the South it appears at the time when the Democratic nominations are made. Some plan is now being demanded by the people whereby they, and not the political bosses, shall be permitted to name the candidates by a direct vote at a primary election regulated and controlled by the State. Legislation along this line in the different States during the next ten years is looked forward to with much interest for it involves the determination of a political question of great importance to the people who desire good government.

James Judson Crossley

Winterset, Iowa

THE LEAGUE OF IOWA MUNICIPALITIES

The last decade has witnessed the organization of many voluntary associations which have for their objects and purposes the general betterment of municipal administration. Indeed, so pronounced is this renewed activity in municipal affairs that the decade has been called our "Civic Renaissance." The most conspicuous of these voluntary associations have originated and flourished in our large cities whose municipal misrule has been the chief reproach upon our free institutions. These organizations have been local in operation, though wielding a large influence abroad. They have sought and are still endeavoring to reclaim their respective cities from the control of corrupt and unscrupulous politicians. Such organizations as the Municipal League of Philadelphia, the City Club of New York, the Baltimore Reform League, the Civic Federation of Chicago, and the Good Government Club of San Francisco represent the highest development of civic spirit in America. Represented as they all are in the National Municipal League, they have a common ground upon which to meet and engage in profitable discussion and comparison of municipal legislation and methods of reform. Their peculiar problems, while perhaps the most conspicuous of municipal life in the United States, are not the problems with which the ordinary municipality is concerned; for, according to the census returns for 1900 there are but 160 cities in the United States having

a population of 25,000 or over, being an average of not more than three such cities for each State and Territory in the Union.

On examining the census returns for Iowa it is found that there is but one city in the State having a population of over 50,000; three have a population of over 30,000, but not exceeding 40,000; two have a population of over 25,000, but not exceeding 30,000; two have a population of over 20,000, but not exceeding 25,000; one has a population of over 15,000, but not exceeding 20,000; five have a population of over 10,000, but not exceeding 15,000; while ten have a population of over 5,000, but not exceeding 10,000. There are, therefore, in the State of Iowa twenty-four cities which have a population of 5,000 or over. At the same time there remain 632 towns and cities with a population of less than 5,000; and most of these have a population of less than 2,000.

That the problems of the cities of Iowa are not the same as those of New York, Philadelphia, Chicago, St. Louis, Boston, Baltimore, and San Francisco is a proposition too obvious to be controverted. This fact, moreover, forced itself upon the attention of the Iowa delegates who were attending the convention of the National Association which was held at Detroit, Michigan, in August, 1898. They realized that the cities of Iowa represented in the convention of the League of American Municipalities could profit but little from the discussions in the National Association. The need of an organization in which the city officials of the State of Iowa could meet and discuss problems and questions of municipal administration on the common footing of

the law of Iowa seemed imperative. In fact the laws of of this State relative to municipalities were sorely in need of revision which concerted action alone could accomplish. Thus there was in the minds of the Iowa delegates at the Detroit convention a common interest, with definite ends to attain, which convinced them of the utility of a State organization representing the municipal interests of Iowa.

Immediately upon his return from Detroit, Mr. Frank G. Pierce, Mayor of Marshalltown, interested members of the council of that city in the project of a State organization to such an extent that on August 24, 1898, the council adopted a resolution favoring such an organization and requesting the Mayor to call a meeting of the municipal officials of Iowa. This resolution was immediately forwarded to each member of the Iowa delegations to Detroit; and on August 30, 1898, the Detroit delegation issued the following call for a meeting to be held in Marshalltown, a copy of which call was sent to the Mayor of every city in the State to be submitted to the city council:

To all City Officials of Iowa:

The representatives of the five cities that were represented at the second annual convention of the League of American Municipalities held at Detroit, Mich., during the first days of August, were all of the opinion that it would be of great benefit to their cities and to all other cities in the State if a State association of municipal officials were formed in Iowa. There are many reasons why such an association would be of great benefit to Iowa municipalities, and the cities and towns through such an organization could obtain much needed legislation. The interchange of ideas and experiences would be of great assistance to all. Practical questions of interest to every

municipality in Iowa could be discussed and the cities would receive the benefits of such discussions.

In view of these facts, it was deemed advisable to call a meeting this fall for the formation of a State association, and Marshalltown, on account of owning its waterworks and electric lighting plant, was selected as the place of meeting. The City Council of Marshalltown at the first meeting after the National Convention passed the following resolution:

WHEREAS—It has been demonstrated by the second annual convention of the League of American Municipalities held in Detroit, that the interests of Iowa cities will be promoted by having a State meeting, therefore be it

RESOLVED—By the City Council of the City of Marshalltown, Iowa, that the Mayor of the City be requested to call a meeting of the City Officials in Iowa, with a view to taking such steps as they may deem proper and necessary to further promote good government in the municipalities of Iowa, the time for the meeting to be arranged by the Mayor.

Pursuant to this resolution, the dates of October 12th and 13th were selected for the meeting. A cordial invitation is extended to every City and Town in Iowa to send delegates to this meeting. Every municipality is invited to send as many delegates as it desires, and we trust that every municipality will be represented.

(Signed) J. MACVICAR, Mayor of Des Moines.
F. K. STEBBINS, Mayor of Iowa City.
E. B. FULLIAM, Mayor of Muscatine.
J. M. REDMOND, Mayor of Cedar Rapids.
FRANK G. PIERCE, Mayor of Marshalltown.

In reply to this invitation representatives from twenty-three Iowa cities met at Marshalltown on October 12, 1898. Although a program of able addresses on topics of special interest to municipal officials had been arranged, the chief object to be accomplished at this meeting was organization.

Accordingly the delegates present drafted and adopted a constitution which has been amended but once.[1]

The objects and purposes of the League as set forth in the constitution are: "To disseminate information and experience upon, and promote the best methods to be employed in the management of municipal departments and in the construction of municipal works, by means of annual conventions, the reading and discussion of papers on municipal subjects, and by social and friendly intercourse at such conventions, and to circulate among its members, by means of an annual publication, the information thus obtained."

In furtherance of these objects, the fourth section of article IV declares that there shall be appointed annually the following standing committees, which in a way may be taken to represent what the League considers to be the problems of municipal administration in Iowa:

1. Street Paving.
2. Electric Street Lighting.
3. Sewerage and Sanitation.
4. Water Works and Water Supply.
5. Taxation and Assessment.
6. City Government and Legislation.
7. Disposition of Garbage and Street Cleaning.
8. Review.
9. Municipal Franchises.
10. Municipal Book-keeping.

[1] Article III, Sec. 1, provided that "The annual dues for each municipality shall be one dollar for every two thousand inhabitants or fraction thereof." This was amended at the fifth annual convention so as to read: "one dollar for each one thousand inhabitants or fraction thereof."

Some writers on municipal affairs speak of paving, street lighting, the establishment of water plants, and sewerage systems as the problems with which the "old municipal administration" dealt; while the *new* phase of municipal administration deals with every question which directly or indirectly affects the life of the people. This is undoubtedly true of our larger cities; but it is in no sense true of the hundreds of smaller cities having a population between 5,000 and 10,000 inhabitants in the Middle West.

In many of these western towns and cities the pioneers have not yet disappeared. In Iowa there are gray haired men who remember when corn stalks shook their tassels over many a place now comprised within the limits of a wide-awake municipality. In all of these prairie cities, whose growth is a source of wonderment even to ourselves, there has been no surplus population to employ in municipal works. In most of them the public revenues available have not been large; and municipal improvements have generally met with much opposition from that innate aversion to increased taxation. In most of them some provision has been made for street lighting. Sometimes it is only the abominable kerosene lamp mounted at the street corners which lights the town; but these are better than nothing, where darkness serves as a propagator of vice and crime. A well lighted city is one of the best means of protecting persons and property. The last decade has witnessed an extensive installation of electric lighting plants in the smaller towns. In some of the eastern States the public highways are now being lighted.

Throughout the Middle West the demand for fire protec-

tion has stimulated the building of water systems long before the chemical analysis of the water supplied was a matter of any concern. During the last two decades nearly every town in Iowa, having a population of 1,000, has erected a water works plant.

As population has become more dense in proportion to the city area, sewerage, sanitation, and paving have become the vital problems of our municipal administration. The cost of such improvements, however, are largely a direct tax on the individuals benefited, and are, accordingly, often met with violent opposition—frequently from those most able to pay.

The most conspicuous feature of the United States population statistics in the last two decades has been the enormous increase in the urban population. This has greatly increased the importance of the problem of sewage disposal. To have conducted the city's sewage to the nearest stream was a great triumph of progress over municipal obstructionists; but it soon raised another problem unlooked for at the outset. The disposal of sewage by turning it into some running stream is the method employed in nearly all our large cities. This is in fact the most common method employed. Nor can it be seriously objected to where the volume of water is great enough to form a natural drainage without at the same time endangering by pollution the water supply of other cities and towns located on the same water way.

In Iowa, however, there are no large streams, with the exception of our great border rivers, which may be used with safety for sewage disposal by all the cities and towns located along their banks without serious menace to the pub-

lic welfare. It is moreover interesting to note that Iowa cities, dependent upon streams for their water supply, have appealed to the courts to prevent the pollution of water by the cities above. Marion, Marshalltown, and Grinnell yielded to the injunction and erected sewage disposal plants. These cities are, however, only the pioneers in the field. The next decade should see many other Iowa cities following in their footsteps.

Since the question of sewage disposal was thus first raised in Iowa, the League of Iowa Municipalities has been the means of disseminating the most accurate information upon this important problem. Expert sanitary engineers have addressed the League in convention upon this subject or prepared valuable papers for its official publication—the *Midland Municipalities*. No effort has been spared by the League to acquaint the officials of Iowa municipalities with the best methods of sewage disposal and with estimates of the cost of the construction and maintenance of plants.

In addition to disseminating information regarding the construction and maintenance of public works, the League of Iowa Municipalities has represented an organized effort in the State for the securing of better municipal legislation—legislation in harmony with the general experience and meeting the real needs of Iowa municipalities.

At the second annual convention of the League, which was held in October, 1899, the committee on city governments and legislation reported that they had worked in conjunction with the State Association of City Solicitors and that they had incorporated into drafts of bills suggestions and recommendations for various amendments and additions to

the Code relative to municipal corporations. These bills—fifteen in all—were presented to the Twenty-eighth General Assembly; and the members of the committee of the League appeared several times before the House and Senate committees to urge their passage. Only four of the proposed bills, however, were passed by the Twenty-eighth General Assembly.

Section 1306 of the Code, limiting the amount of revenue to be raised in any city, was repealed upon the request of the League. This section provided that if after the year 1897 the assessed valuation of any city should increase, the per cent of levy should be proportionately decreased so that the gross amount of revenue raised should not be greater than was raised in the year 1897. This was held by the League to work an injustice upon any city or town wherein rapid growth increased the valuation of the property above what it was in 1897 without at the same time permitting the city or town to collect a proportionate increased revenue to meet the increased needs of the municipality attendant upon such growth.

Section 742 of the Code was amended so as to permit the loan of the water works fund at three per cent interest. According to the provisions of the original section cities could not loan out their water works fund at less than four per cent. It was urged that at the current rates of interest this could not be done.

Section 744 was amended so as to permit the construction of temporary sidewalks of brick or stone within the limits of the cost fixed by the Code for plank walks.

Chapters seven and eight of title five of the Code were

amended so as to make the special assessment laws conform to the rule laid down by the United States Supreme Court in the case of *Norwood vs. Baker.*[1] This, however, was not passed as recommended by the committee of the League. A substitute was enacted as a temporary expedient, and the subject of permanent legislation was referred to a committee to report to the Twenty-ninth General Assembly.

All these measures were urged with such force by the committee of the League of Iowa Municipalities that an act was passed creating a Municipal Code Committee, composed of three members from each House, to be appointed by the President of the Senate and the Speaker of the House respectively, to "carefully revise and codify all the special assessment laws, and such other laws in relation to the government of municipal corporations, as may be by the committee deemed necessary and expedient, and recommend such changes therein as may be desirable."[2]

At the third annual convention of the League the committee on city government and legislation reported on what had been accomplished at the last preceding session of the General Assembly, as indicated above, and urged that an effort be made to secure favorable action by the Municipal Code Committee on the proposed measures which had not been passed. Furthermore, the committee from the League of Iowa Municipalities met in joint session with the committee of the State Bar Association and urged them to recommend similar legislation to the committee appointed

[1] 172 U. S. 169.

[2] Chapter 176 of the *Laws of the Twenty-eighth General Assembly.*

by the Twenty-eighth General Assembly to revise the municipal laws of Iowa.

The committee of the League met afterwards in Davenport and formulated thirteen definite recommendations as to changes deemed desirable in the municipal law. These recommendations were printed unsigned in the June, 1901, number of the *Midland Municipalities* and presented as a preliminary report to the fourth annual convention of the League in October of the same year. This report was thoroughly discussed by the convention and some amendments and additions were made to it. The most important of these was the recommendation to the General Assembly that an institution for the reformation and restraint of confirmed inebriates be established in this State. The final report of the committee on legislation as adopted by the convention contained sixteen definite recommendations as proposed amendments or additions to that part of the Code relating to municipal corporations.

The State Legislature being in session in January, 1902, a special meeting of the League of Iowa Municipalities was called for January 22, 1902, for the consideration of proposed changes in the Iowa laws relating to municipalities. The recommendations adopted at the fourth annual convention were again read and some amendments and additions to that report were made and adopted. A motion was also made and carried instructing the committee on legislation to use all honorable means to secure the enactment of the recommendations of the League into law, and authorizing them to use their discretion in urging any particular measure contained in the recommendations of the League. It was

left to the committee to decide upon what should be especially urged upon the attention of the General Assembly.

All of the proposed measures were presented to the Municipal Code Committee, and most of them received favorable action from that committee. Some were passed by the General Assembly. And it is a fact, moreover, that very few changes in the municipal law not recommended by the League were made. The most important changes and additions made in the municipal law of Iowa by the Twenty-ninth General Assembly as urged by the League were:—

First. An act making the Mayor in cities of the second class merely a presiding officer as in cities of the first class. Much doubt and confusion had arisen as to whether the Mayor was to be considered as a member of the council in cities of the second class, in deciding what constituted a majority or three-fourths vote. The Supreme Court of the State had decided that the Mayor was to be considered as a member of the council; but since much city legislation had been enacted on the supposition that he was not a member it was deemed necessary to pass a legalizing act and bring the various sections of the Code into harmony.

Second. The law was so amended as to permit cities to issue bonds on water works in order to secure funds with which to make necessary improvements on the plant. It had been the experience of Muscatine that, having purchased a rundown water plant, the city was without authority to raise money with which to improve or extend it.

Third. A law making clear the provisions for quarantine. In the absence of any Code provision giving munici-

palities the right to levy a tax for health purposes, it was generally held by city officials that all quarantine expenses should be paid by the county. This matter was cleared up by chapter 105 of the laws of the Twenty-ninth General Assembly, which directs that all bills for quarantine, for building and maintaining of pest houses or detention hospitals, and for the care of infected persons, etc., are to be paid by the county, when such bills are certified to by the local board of health; and the county must reimburse itself by levying a tax upon the township, town or city at the time of the levy of taxes for general purposes, to cover the amounts so paid out.

Fourth. An important act was passed, in accordance with the recommendations of the League, to the effect that an institution be established for the detention and cure of confirmed inebriates. Every city has its habitual drunkards; and it was hoped that this law would help in solving the problem of what to do with them.

The League committee on legislation reported at the fifth annual convention on these and some other minor acts passed by the Twenty-ninth General Assembly; but in view of the fact that the next annual convention would meet before the next General Assembly no suggestions or recommendations for future amendments or additions to the municipal laws of the State were made.

The League of Iowa Municipalities is now in the fifth year of its organization. The attendance at its annual conventions, which are regularly held in October, has shown a healthful growth of interest in its work among the municipal officials of Iowa. A unique provision in

the constitution of the League makes the President ineligible for immediate reëlection except by unanimous vote. As yet no President has been reëlected. The first meeting of the League, as already stated, was held at Marshalltown in October, 1898. Mr. F. G. Pierce, Mayor of that city, called the meeting to order. He was recognized as the moving spirit in the formation of the new organization and was elected to preside over its first meeting. Before the close of this meeting, Mr. John MacVicar, Mayor of Des Moines, was elected to preside at the second annual convention, and his own city was selected as the place of meeting. At the Des Moines meeting Mr. John M. Redmond, Mayor of Cedar Rapids, was elected President for the third annual convention, and Mason City was selected as the place of meeting. The fourth annual meeting convened at Oskaloosa, in 1901, with Mr. F. K. Stebbins, Mayor of Iowa City, in the chair. The fifth meeting of the League was held at Iowa City, in 1902, with Mr. W. H. Wray, Mayor of Oskaloosa, as the presiding officer. The next annual meeting will be held at Waterloo, in 1903, on "the second Wednesday in October," as prescribed in the constitution. Mr. J. A. Walter of McGregor will preside.

Mr. F. G. Pierce of Marshalltown has been the faithful and efficient Secretary and Treasurer of the League since its first meeting. To his energy is to be credited the development of the reports and proceedings of the annual conventions into the present organ of the League—the *Midland Municipalities*. This journal has been published monthly since October, 1900. It is devoted to the municipal problems and interests of the Middle West and of Iowa in par-

ticular. It aims to acquaint the city officials of Iowa with the municipal works and improvements contemplated or under construction within the State, together with the cost of the same. It acquaints the municipal officials of Iowa with the decisions of our courts relative to the powers and duties of municipalities under Iowa law. It fosters a healthful rivalry among the cities of Iowa to excel in beautifying and improving their local surroundings.

The League of Iowa Municipalities is yet in its infancy; and one cannot predict with certainty as to what its future influence in the State will be. It has, however, already made itself felt. It has a promising future because it has a virgin soil rich with possibilities in which to work. It must stand for high ideals in government and administration. It must educate the people in the belief that municipal self-government, to be successful, must be conducted on business principles, and that such government can best be promoted by the absolute separation of municipal affairs from State and national politics.

The League of Iowa Municipalities constitutes a college for municipal officials. And where as in our municipalities rotation in office is the rule, this educational function and influence of the League must increase rather than decrease. To quote from the address delivered by the Honorable F. K. Stebbins at the fourth annual convention:—"Until such time as every official in Iowa knows the cost of producing an electric light of a given candle power, the cost of making and conducting through the pipes one thousand feet of gas, the cost of furnishing one hundred thousand gallons of water, the cost of operating a street car line, there will be a

legitimate demand for organizations like the League of Iowa Municipalities."

The League of Iowa Municipalities stands for the development of that civic spirit which awakens the ordinary egoistic citizen from his lethargy of indifference in municipal affairs to a realization of true social self-consciousness—to a consciousness that his home is not bounded by the pickets of his own fence. He will be made to realize that he has a municipal home which demands his care and attention. With the growth of this spirit voluntary associations for municipal improvement are no longer looked upon as a censure upon the municipal administration. Street improvement, park, charitable, and other associations must supplement the various departments of city administration, since a large part of the activity which goes to make up good municipal government is not and can not be provided for by law.

The League of Iowa Municipalities is thoroughly American. It has created an interest in good government from within, where there was indifference without. It has created a fraternal spirit among that great body of officials who administer our local government. It has bound the municipal interests of Iowa into one united whole. The League of Iowa Municipalities is a monument to the sagacity of those public spirited men to whom it owes its organization and success.

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THE HAMPTON ROADS CONFERENCE

On May 7, 1902, in the Senate of the United States, Senator Tillman of South Carolina took occasion to refer to the Hampton Roads Conference of 1865. And for the purpose of showing, as he supposed, the willingness of President Lincoln to end the war on almost any terms, Senator Tillman undertook to state what was demanded and what occurred at that Conference. He said:

> The claim on the part of the North was, "Restore the Union; give us the Union;" and Alexander Stephens was told by Abraham Lincoln at the Hampton Roads conference to take a blank sheet of paper and write, "Save the Union;" and President Lincoln said, "Aleck, you fill out the balance, and I will agree to it."[1]

This statement by Senator Tillman is in substance a repetition of the story of the celebrated Conference which has gained some currency in recent years, having been used by no less a person than Mr. Henry Watterson in a public lecture on Abraham Lincoln. Mr. Watterson was corrected, however, by Hon. John H. Reagan, who at the time of the Conference was a member of the cabinet of the Confederate States.

On the day following the statement made by Senator Tillman, Senator Vest arose in the Senate and observed that, while he did not desire to participate in the debate then going on, he felt compelled "in justice to both the living

[1] *Congressional Record*, 57th Cong., 1st Sess., Vol. xxxv, p. 5100.

and the dead" to notice the "remarkable assertion" made by Senator Tillman. Senator Vest then said:

Mr. President, I know personally, without having been present at that celebrated interview, that the incident is without the slighest foundation. If true, it would place the Government and officers of the Confederate States in the category of criminals, because, if true, the Confederacy was offered all that it ever demanded in the wildest hopes of the most extreme partisan of that war, if they would only return to the Union....I happen to know from the lips of two of the commissioners, Alexander H. Stephens and R. M. T. Hunter, that no such incident ever occurred between the representatives of the United States and of the Confederate States at Hampton Roads.[1]

Senator Vest said that he had further knowledge of the facts, having heard the "official report" made by the commissioners after their return to Richmond. From these sources of information Senator Vest related what occurred as follows:

When the commissioners, if I may so term the President and the Secretary of State of the United States, met the commissioners of the Confederacy, Mr. Lincoln, addressing himself to R. M. T. Hunter, whom he knew very well, said, "In the first place, gentlemen, I desire to know what are your powers and instructions from the Richmond Government?" avoiding, as Mr. Hunter told me himself, the words "Confederate States," but terming the Government that of the Richmond Government. Mr. Hunter, to whom the inquiry was addressed, said, "Mr. President, we are instructed to consider no proposition that does not involve the independence of the Confederate States of America." "Then," said Mr. Lincoln, "the interview had as well terminate now, for I must say to you gentlemen frankly and honestly that nothing will be accepted from the Government at Richmond except absolute and unconditional surrender."[2]

[1] *Congressional Record*, 57th Cong., 1st Sess., Vol. xxxv, p. 5160.
[2] *Ibid*, p. 5160.

In case these terms were accepted, President Lincoln further said (according to Senator Vest) that "the largest executive clemency" would be extended to "the leaders and generals of the Government at Richmond." "This terminated the interview," says Senator Vest; but, "as the commissioners of the Confederacy retired from the chamber, Mr. Lincoln, addressing Stephens, said: 'Stephens, you are making a great mistake. Your Government is a failure, and when the crash comes, as it soon must come, there will be chaos, and disasters which we cannot now foresee must come to your people.'" [1]

The account thus given, Senator Vest avers with the utmost assurance, is "substantially and almost word for word" as it came to him from the two commissioners named. Furthermore, he adds that "to put this matter beyond all sort of dispute, Judge Campbell. . . . took down in pencil at the interview, word for word, what passed between the commissioners;" and this "account in writing was exhibited to many of his [Campbell's] friends in the city of Richmond." Senator Vest says that he himself was told the story by a gentleman who had seen the written report, which was "almost exactly" as he had tried to relate it. He closed his remarks to the Senate as follows:

> I do not want this statement, which I have no doubt the Senator from South Carolina believes to be true, to go into the records of this country without my statement of these facts and my solemn denial that there is the shadow of truth in this assertion which has been going the rounds of the newspapers of the country for the last few years. [2]

[1] *Congressional Record*, 57th Cong., 1st Sess., Vol. xxxv, p. 5160.
[2] *Ibid*, p. 5160.

Senator Vest has done a distinct service to the truth of history in thus publicly and in such a conspicuous manner denying the popular story as to what occurred at the Hampton Roads Conference—an event big with possibilities but *without result*, unless we accept as a *result* the knowledge that the war must continue until ended on the field of battle.

Senator Tillman having been corrected by Senator Vest, it is now in order to correct Senator Vest by documentary evidences[1] and by the testimony of Mr. Alexander H. Stephens, one of the commissioners of the Confederate States and their chief spokesman at the celebrated Conference. Soon after the event Mr. Stephens put into enduring form his recollections of what occurred.[2] Senator Vest's account is from his own memory of what was told to him thirty-seven years ago. From his account it must be inferred that the interview was of short duration, if, as Senator Vest would have us believe, President Lincoln delivered the ultimatum of "unconditional surrender." It must also be inferred from Senator Vest's account that Mr. Hunter was the chief spokesman for the Confederate commissioners, that Judge Campbell was a stenographer, and that he made a verbatim report of what was said. Neither of the three propositions is true, as will be seen from the more reliable evidences and testimony which follow. The interview was of "several hours duration" according to President Lincoln; it was "about four hours" long according to Mr. Stephens.

[1] The documents are found in Lincoln's special message to the House of Representatives, Feb. 10, 1865—See *Messages and Papers of the Presidents*, Vol. VI, pp. 260–269.

[2] *A Constitutional View of the Late War Between the States.* 1867.

No record was kept by any person; nor was any person permitted to take notes at the interview of what was said. There can be no doubt but that Mr. Stephens, being at the head of the Confederate commission, was its chief spokesman.

SOME OTHER ACCOUNTS OF THE CONFERENCE

Mr. Edward S. Ellis in *The History of Our Country* quotes at considerable length from Wm. E. Cameron's "full and accurate account,"[1] of which the following is an extract:

> The inception of the Conference was a visit to Richmond of Francis P. Blair, Sr., armed with a letter from Mr. Lincoln, in which the latter expressed his willingness to receive delegates from "those in authority in the Southern States who desire to make peace on the basis of one common country."[2]

This part of Mr. Ellis' account is not true in any essential particular. Mr. Blair was not *sent* by anybody; nor was he on his first trip "armed with a letter" or with anything else except a pass through the lines; nor is the quotation, purporting to have been made from President Lincoln's letter which was borne by Mr. Blair on his second trip, correctly made either in words or in sentiment, as will be seen by the letter below.[3]

Mr. Cameron's account of the opening of the Conference, quoted by Ellis, is as follows:

> Mr. Stephens opened the business in hand by stating clearly and with precision the conditions which the Confederates were instructed to lay before the President of the United States.

[1] Volume v, p. 1311.

[2] *Ibid*, p. 1311.

[3] See below p. 218.

This implies of course that the Confederate commissioners were present with an ultimatum to the President of the United States, instead of being present to suggest a diversion in the hope of securing by secret convention at least a temporary cessation of hostilities. In these respects the Cameron story is entirely misleading.

Other short accounts of the Conference are found in Schouler's *History of the United States*,[1] and *Scribner's Popular History of the United States*.[2] Neither of these accounts, however, is full enough to convey a satisfactory idea of the Conference.

For a full and accurate account of the Hampton Roads Conference from its inception to its conclusion we must turn to (1) the special message of President Lincoln of February 10, 1865,[3] (2) *A Constitutional View of the Late War Between the States*, by Alexander H. Stephens,[4] (3) *Abraham Lincoln*, by Nicolay and Hay, and (4) the *Rise and Fall of the Confederate Government*, by Jefferson Davis.

[1] Volume VI, p. 535.

[2] Volume V, p. 325.

[3] *Messages and Papers of the Presidents*, Volume VI, p. 260. On the 10th day of February, in response to a resolution of the House for information, President Lincoln sent a special message giving all of the documents in the case and briefly stating the main points discussed and stating that "the conference ended without result." On the same date, the Senate was "referred" to the documents transmitted to the House, and in addition thereto, the Senate was furnished with the "instructions" sent to Minister Adams in London, touching the affair, which instructions in no material points differ from Mr. Stephens' account.

[4] Mr. Stephens was Vice President of the Confederate States. His two volume work was written in 1867.

MR. BLAIR'S MISSION TO RICHMOND

Who was Francis P. Blair, Sr., the self-appointed messenger to the President of the Confederate States prior to the Hampton Roads Conference? Mr. Davis calls him "a distinguished citizen of Maryland." Mr. Stephens styles him the "Warwick" of the Republican party. He was for many years a prominent editor and politician, coming into notice as a Jackson Democrat in opposition to South Carolina Nullification. He was a friend and counsellor of Andrew Jackson himself. Later he became a Freesoil Democrat (Barnburner); and finally he appears as a Republican. He was intimately acquainted with leading men, North and South, and was on personally friendly terms with Mr. Jefferson Davis.

In the latter part of the year 1864, Mr. Blair thought that he might do something to bring about peace by an interview with Mr. Davis. He suggested the thought to President Lincoln but got no encouragement from that quarter, not even a chance to explain himself. Mr. Lincoln, however, said to him finally and evasively: "Come to me after Savannah falls."[1] Mr. Blair was promptly on hand after that event, and was given a card with these words:

> DECEMBER 28, 1864.
>
> Allow the bearer, F. P. Blair, sr., to pass our lines, go South, and return. A. LINCOLN.[2]

With this and this only he passed the lines and arrived at Richmond on January 12, 1865, where his appearance

[1] Nicolay and Hay's *Abraham Lincoln*, Vol. x, p. 94.

[2] *Messages and Papers of the Presidents*, Vol. VI, p. 260.

"caused no little sensation." An interview was promptly had with Mr. Jefferson Davis, which was introduced with an explanation by Mr. Blair as to the means used to procure the pass. Mr. Blair avowed his individual responsibility in the matter. Among the first questions propounded to Mr. Davis was one as to whether "he had any commitments with European powers," if he was free to answer such a question, "which would control his conduct in making arrangements with the Government of the United States." To this Mr. Davis replied that he "was absolutely free and would die a free man in all respects."

This opened the way for Mr. Blair to read a paper embodying his idea—a paper which he had prepared to be submitted to Mr. Davis in case a personal interview could not be had. It begins as follows:

> The Amnesty Proclamation of President Lincoln in connection with his last Message to Congress....presents a basis on which I think permanent peace and union between the warring sections of our country may be re-established.[1]

Slavery being "doomed," a fact "admitted now on all sides," continued Mr. Blair, "the issue is changed and war against the Union becomes a war for monarchy." Having developed these ideas, Mr. Blair then reviewed the conditions in Mexico, and said: "Jefferson Davis is the fortunate man who now holds the commanding position to encounter this formidable scheme of conquest." In order to carry out the scheme it would first be necessary to arrange an armistice so that as much of the Confederate army as might be needed could be transferred to Texas. Juarez, the Mex-

[1] Nicolay and Hay's *Abraham Lincoln*, Vol. x, p. 97.

ican leader, was to be "propitiated," and very likely Mr. Davis himself might be proclaimed dictator.

In case the "Mexican recruits and the army of the South" proved unequal to the task, it was suggested that "multitudes of the army of the North" would take a hand, and together they would sweep the invaders out of Mexico. Having presented his plan much more in detail than is possible in this connection, Mr. Blair said: "There is my problem Mr. Davis; do you think it possible to be solved?" After some reflection Mr. Davis answered: "I think so."[1]

The interview continued for some time and various points were discussed. It terminated with the understanding that Mr. Blair would sound President Lincoln on the subject. It will be noted that the plan here presented to Mr. Davis did not contemplate a uniting of the Confederate and Union forces to drive Maximilian out of Mexico. It was to be a Confederate movement to be made possible by means of an armistice. After the interview Mr. Davis made a memorandum of the conversation, and on the day following submitted it to Mr. Blair. This memorandum was mutually agreed to be substantially correct. It is substantially corroborative of Mr. Blair's account, except that Mr. Davis construed the proposed movement on Mexico to be a joint one in support of the Monroe Doctrine. Mr. Blair was then furnished with the following to be shown to President Lincoln:

F. P. Blair, Esq. Richmond, Va., January 12, 1865.

Sir: I have deemed it proper, and probably desirable to you, to give you in this form the substance of remarks made by me, to be repeated by you to President Lincoln, etc., etc.

I have no disposition to find obstacles in forms, and am willing, now

[1] Nicolay and Hay's *Abraham Lincoln*, Vol. x, p. 103.

as heretofore, to enter into negotiations for the restoration of peace, and am ready to send a commission whenever I have reason to suppose it will be received, or to receive a commission if the United States Government shall choose to send one. That notwithstanding the rejection of our former offers, I would, if you could promise that a commissioner, minister, or other agent would be received, appoint one immediately, and renew the effort to enter into conference with a view to secure peace to the two countries.

Yours, etc., JEFFERSON DAVIS.[1]

Armed with this proposition to enter into conference with a view to secure peace to the *two countries*, Mr. Blair returned to Washington and received the following, with a view of securing peace to the people of *our one common country*, to be shown to Mr. Davis.

WASHINGTON, January 18, 1865.

F. P. BLAIR, ESQ.

SIR: Your having shown me Mr. Davis's letter to you of the 12th instant, you may say to him that I have constantly been, am now, and shall continue ready to receive any agent whom he or any other influential person now resisting the national authority may informally send to me with the view of securing peace to the people of our one common country. Yours, etc., A. LINCOLN.[1]

Mr. Blair returned to Richmond and delivered the above to Mr. Davis, at the same time stating (according to Mr. Davis) that he (Blair) had "modified the views he formerly presented," and had "a different mode of procedure" to offer, to the effect that, "on account of the extreme men in Congress and elsewhere, ... it would not be feasible for him [President Lincoln] to enter into any arrangement with us by the use of political agencies; that, if anything beneficial could be effected, it must be done without the in-

[1] *Messages and Papers of the Presidents*, Vol. VI, pp. 260, 261.

tervention of the politicians. He, therefore, suggested that Generals Lee and Grant might enter into an arrangement by which hostilities would be suspended."

To this Mr. Davis replied that he was willing to entrust such a negotiation to General Lee. Later on Mr. Blair informed Mr. Davis that "the idea of a military convention was not favorably received at Washington;" and "so it only remained for me," says Mr. Davis, "to act upon the letter of Mr. Lincoln."

On the day following Mr. Blair's departure from Richmond, Mr. Davis, before consulting with his cabinet, called Mr. Stephens (Vice-President of the Confederate States) into consultation, disclosed to him Mr. Blair's mission, and asked his advice. Though not hopeful of any good results, Mr. Stephens thought a conference desirable, and suggested that the two Presidents were the persons to be brought together if possible. To this Mr. Davis demurred, and then Mr. Stephens suggested the names of three persons, only one of whom was finally appointed, as commissioners. A cabinet meeting was held immediately after this interview, and Mr. Stephens' next information was that R. M. T. Hunter (Senator), Judge John A. Campbell (Asst. Sec. of War), and himself had been appointed. Mr. Stephens strongly objected to the selection both of himself and of Mr. Hunter on the ground that absence from their accustomed official duties would attract notice, whereas it was important to observe "the most perfect secrecy."[1]

Mr. Stephens makes no mention of either verbal or writ-

[1] *A Constitutional View of the Late War Between the States*, by Alexander H. Stephens, Vol. II, Colloquy XXIII.

ten instructions to the commission, but each commissioner was furnished with the following dated Richmond, January 28, 1865:

> In conformity with the letter of Mr. Lincoln, of which the foregoing is a copy, you are requested to proceed to Washington City for an informal conference with him upon the issues involved in the existing war, and for the purpose of securing peace to the two countries.[1]

The commissioners reached the Union lines January 29, at Petersburg (Gen. Wilson commanding), and asked to be passed through "in accordance with an understanding with Lieutenant-General Grant." To this the Secretary of War replied that the Department had no knowledge of such an "understanding" (nor was there any), and they were not permitted to pass. On the next day the commissioners addressed a note to General Grant at City Point asking "to pass your lines under safe-conduct, and to proceed to Washington." The request was sent to the President, and at the same time orders were sent by Grant to pass the commissioners on to headquarters, where they arrived on the same day. On the same day also (Jan. 30) a messenger was sent from Washington to meet the commissioners and to inform them that they would be allowed to pass the lines to Fortress Monroe "for the purpose of an informal conference on the basis of the letter" of January 18, 1865. The reply of the commissioners to the instructions of the messenger was not "satisfactory," and it was so reported. The commissioners then addressed a second request to General

[1] *The Rise and Fall of the Confederate Government*, by Jefferson Davis, Vol. II, p. 617.

Grant to be passed on to Washington "to confer informally with the President," which of course was not granted.[1]

While this correspondence was in progress, President Lincoln dispatched Mr. Seward, Secretary of State, to Fortress Monroe, where he arrived February 1st under instructions from the President that, in the expected interview, "three things are indispensable," to wit:

1. The restoration of the national authority throughout all the States.

2. No receding by the Executive of the United States on the slavery question from the position assumed thereon in the late annual message to Congress and in preceding documents.

3. No cessation of hostilities short of an end of the war and the disbanding of all forces hostile to the Government.[2]

After all of these preliminaries, because of the unsatisfactory reply of the commissioners to the instructions of the special messenger, the President was about to recall Mr. Seward when he received through the War Department (on February 2d) a dispatch from General Grant,[3] which not only determined him to let the interview take place but to join Mr. Seward, which he did on February 2d, having sent

[1] *Messages and Papers of the Presidents*, Vol. VI, pp. 262, 265.

[2] *Messages and Papers of the Presidents*, Vol. VI, p. 264.

[3] Grant's confidential dispatch which determined the President to join Mr. Seward is as follows:

"HON. EDWIN M. STANTON, *Secretary of War:*

"Now that the interview between Major Eckert, under his written instructions, and Mr. Stephens and party has ended, I will state confidentially, but not officially to become a matter of record, that I am convinced upon conversation with Messrs. Stephens and Hunter that their intentions are good and their desire sincere to restore peace and union. I have not felt myself at liberty to express even views of my

orders to Grant to "let nothing which is transpiring change, hinder, or delay your military movements or plans." The interview took place on board a United States steamer, in Hampton Roads, near Fortress Monroe, February 3, 1865.[1]

THE ACCOUNT OF THE CELEBRATED CONFERENCE AS GIVEN BY ALEXANDER H. STEPHENS

After the formal salutations, inquiries after mutual acquaintances, and brief reminiscences of other days, Mr. Stephens said "in substance:"

Well, Mr. President, is there no way of putting an end to the present trouble, and bringing about a restoration of the general good feeling and harmony *then* existing between the different States and Sections of the country?

own or to account for my reticency. This has placed me in an awkward position, which I could have avoided by not seeing them in the first instance. I fear now their going back without any expression from anyone in authority will have a bad influence. At the same time, I recognize the difficulties in the way of receiving these informal commissioners at this time, and do not know what to recommend. I am sorry, however, that Mr. Lincoln cannot have an interview with the two named in this dispatch, if not all three now within our lines. Their letter to me was all that the President's instructions contemplated to secure their safe conduct if they had used the same language to Major Eckert [special messenger].

"U. S. GRANT, *Lieutenant-General.*

See *Messages and Papers of the Presidents*, Vol. VI, p. 266.

[1] There is a curious error in a date, which is perhaps worth mentioning, found in the report of the Confederate commissioners to Mr. Davis. As printed in Mr. Stephens' *A Constitutional View of the Late War Between the States*, Vol. II, Appendix R, p. 792, the date of the Conference is given as "the 30th inst.," which would be February 30th, if there could be such a date. In Mr. Davis' *The Rise and Fall of the Confederate Government*, Vol. II, p. 619, the date is given as "the 30th ult.," which would be the 30th of January. The true date was as given in the text above, February 3, 1865.

Mr. Seward said: It is understood, gentlemen, that this is to be an informal Conference. There is to be no clerk or secretary—no writing or record of anything that is said. All is to be verbal.

I, speaking for the Commissioners, said that was our understanding of it. To this all assented, whereupon I repeated the question.

Mr. Lincoln in reply said, in substance, that there was but one way that he knew of, and that was, for those who were resisting the laws of the Union to cease that resistance. All the trouble came from an armed resistance against the National Authority.

But, said I, is there no other question that might divert the attention of both Parties, for a time, from the questions involved in their present strife, until the passions on both sides might cool, ...? Is there no Continental question, said I, which might thus temporarily engage their attention? We have been induced to believe that there is.[1]

This reference to a "Continental question" brought from Mr. Lincoln the response: "I suppose you refer to something that Mr. Blair has said." He at once disavowed authority for anything and everything that may have been said or done by Mr. Blair, but said that he was "always willing to hear propositions for peace" on the basis of "the restoration of the Union," which with him was a "*sine qua non.*" There was silence for a few moments, when Mr. Stephens said:

But suppose, Mr. President, a line of policy should be suggested, which, if adopted, would most probably lead to a restoration of the Union without further bloodshed, would it not be highly advisable to act on it, even without the absolute pledge of ultimate restoration being required to be first given? May not such a policy be found to exist in the line indicated by the interrogatory propounded? Is there not now such a Continental question in which all the parties engaged

[1] *A Constitutional View of the Late War Between the States*, by Alexander H. Stephens, Vol. II, pp. 599, 600.

in our present war feel a deep and similar interest? I allude, of course, to Mexico, and what is called the 'Monroe Doctrine,'—the principles of which are directly involved in the contest now waging there.[1]

In further elaboration of the question, Mr. Stephens said:

We are under the impression that the Administration at Washington is decidedly opposed to the establishment of an Empire in Mexico by France, and is desirous to prevent it. In other words, they wish to sustain the principles of the Monroe Doctrine, and that, as I understand it, is, that the United States will maintain the right of Self-Government to all Peoples on this Continent, against the dominion or control of any European power.

Mr. Lincoln and Mr. Seward both concurred in the expression of opinion that such was the feeling of the majority of the people of the North.

Could not both Parties then, said I, in our contest, come to an understanding and agreement to postpone their present strife, by a suspension of hostilities between themselves, until this principle is maintained in behalf of Mexico; and might it not, when successfully sustained there, naturally, and would it not almost inevitably, lead to a peaceful and harmonious solution of their own difficulties? Could any pledge now given, make a permanent restoration or reorganization of the Union more probable, or even so probable as such a result would?

Mr. Lincoln replied with considerable earnestness, that he could entertain no proposition for ceasing active military operations, which was not based upon a pledge first given, for the ultimate restoration of the Union.....and the only basis on which he would entertain a proposition for a settlement was the recognition and re-establishment of the National Authority throughout the land.[1]

This answer seemed about to close the interview, as the

[1] *A Constitutional View of the Late War Between the States*, by Alexander H. Stephens, Vol. II, pp. 601, 602.

commissioners had no authority to give pledges, when Judge Campbell inquired in what way a settlement might be effected, supposing the Confederate States were to accept the conditions. But Mr. Seward desired, before answering Judge Campbell's question, to have the other subject more fully developed, as it seemed to him to have a "philosophical basis." And so Mr. Stephens gave his views at length on the Monroe Doctrine and on popular government, and it seemed to him that the situation in Mexico might "afford a very opportune occasion for reaching a proper solution of our own troubles without any further effusion of fraternal blood."[1]

This play upon the Monroe Doctrine was evidently not sincere, for it ended with a declaration by Mr. Hunter that "there was not unanimity in the South upon the subject of undertaking the maintenance of the Monroe Doctrine, and it was not probable that any arrangement could be made by which the Confederates would agree to join in sending any portion of their Army into Mexico." In this view he expressed the joint opinion of the commissioners, says Mr. Stephens.

From this excursion into the realms of speculation, Mr. Lincoln brought the Conference back to business by declaring that "he could enter into no treaty, convention or stipulation, or agreement with the Confederate States, jointly or separately, upon that or any other subject, but upon the basis first settled, that the Union was to be restored."

Judge Campbell then repeated his question, and the Pres-

[1] *A Constitutional View of the Late War Between the States*, by Alexander H. Stephens, Vol. II, p. 604.

ident replied that restoration could take place "by disbanding their armies and permitting the National Authorities to resume their functions." This point was emphasized by Mr. Seward by calling the attention of the commissioners to the President's last annual message as embodying his views on that branch of the subject, and quoting therefrom from memory. After some further discussion, Mr. Stephens propounded another question as follows:

> I asked Mr. Lincoln what would be the *status* of that portion of the Slave population in the Confederate States, which had not then become free under his Proclamation; or in other words, what effect that Proclamation would have upon the entire Black population? Would it be held to emancipate the whole, or only those who had, at the time the war ended, become actually free under it? [1]

Mr. Lincoln answered that it was "a judicial question," and he could not say how the courts would decide it. He was of opinion, however, that the Proclamation, "was a *war measure*, and would have effect only from its being an exercise of the war power, as soon as the war ceased, it would be inoperative for the future. It would be held to apply only to such slaves as had come under its operation while it was in active exercise. This was his individual opinion, but, "the Courts might decide the other way;" and he declared that "he never would change or modify the terms of the Proclamation in the slightest particular."

Mr. Stephens asked what relation the Confederate States would sustain to other States in case the war was abandoned. "Would they be admitted to representation in Congress?

[1] *A Constitutional View of the Late War Between the States*, by Alexander H. Stephens, Vol. II, p. 610.

Mr. Lincoln very promptly replied, that his own individual opinion was, they ought to be. He also thought they would be; but he could not enter into any stipulation upon the subject."[1]

Being further pressed on the subject of a cessation of hostilities, the President replied that he could not enter into any arrangements "with parties in arms against the Government;" and so Mr. Hunter undertook to remove this difficulty by citing the fact that "entering into agreements with persons in arms against the acknowledged rightful public authority" was no new thing; and he cited the case of Charles I of England, to which Mr. Lincoln replied: "I do not profess to be posted in history. On all such matters I will turn you over to Seward. All I distinctly recollect about the case of Charles I, is, that he lost his head in the end."

Mr. Stephens urged upon the President the view that, if he was justified in issuing the Emancipation Proclamation as a war measure, as a like war measure he might certainly enter into some stipulation with the same object in view to end the war. The President "then went into a prolonged course of remarks about the Proclamation. He said it was not his intention in the beginning to interfere with Slavery in the States; that he never would have done it," except to "maintain the Union;" that it raised many "difficult and perplexing questions;" that he favored "prohibiting the extension of slavery," but believed that the Government possessed no "power over the subject in the States;" and

[1] *A Constitutional View of the Late War Between the States*, by Alexander H. Stephens, Vol. II, p. 612.

that he favored emancipation, but not immediate, "even by the States." Mr. Stephens then goes on:

After pausing for some time, his head rather bent down, as if in deep reflection, while all were silent, he rose up and used these words, almost, if not, quite identical:

Stephens, if I were in Georgia, and entertained the sentiments I do—though, I suppose, I should not be permittted to stay there long with them; but if I resided in Georgia, with my present sentiments, I'll tell you what I would do, if I were in your place: I would go home and get the Governor of the State to call the Legislature together, and get them to recall all the State troops from the war; elect Senators and Members to Congress, and ratify this Constitutional Amendment *prospectively*, so as to take effect—say in five years. Such a ratification would be valid in my opinion. I have looked into the subject, and think such a prospective ratification would be valid. Whatever may have been the views of your people before the war, they must be convinced now, that Slavery is doomed. It cannot last long in any event, and the best course, it seems to me, for your public men to pursue, would be to adopt such a policy as will avoid, as far as possible, the evils of immediate emancipation. This would be my course, if I were in your place.[1]

After some further discussion of the slavery side of the question, Mr. Hunter recapitulated the subjects discussed and arrived at the result that nothing had been offered "but an unconditional surrender on the part of the Confederate States and their people. There could be no agreement, no treaty, nor, even any stipulations as to terms—nothing but unconditional submission."

Mr. Stephens says this "summation" was given with "a good deal of force," to which Mr. Seward replied that "no

[1] *A Constitutional View of the Late War Between the States*, by Alexander H. Stephens, Vol. II, p. 614.

words like unconditional submission had been used, or any importing, or justly implying degredation, or humiliation even, to the people of the Confederate States." He thought that submission to the "laws under the Constitution" could not be considered as "unconditional submission to conquerors, or as having anything humiliating in it." To this, Mr. Hunter replied: "But you make no agreement that these rights [under the Constitution] will be so held and secured." Mr. Lincoln replied to this by saying that as far as "the Confiscation Acts, and other penal acts, were concerned, their enforcement was left entirely with him," that he was willing to be "full and explicit" on that point, and that "he should exercise the power of the Executive with the utmost liberality." Mr. Stephens observes further that Lincoln "went on to say that he would be willing to be taxed to remunerate the Southern people for their slaves. He believed the people of the North were as responsible for slavery as the people of the South, and if the war should then cease, with the voluntary abolition of slavery by the States, he should be in favor, individually, of the Government paying a fair indemnity for the loss to the owners." But on this subject, he said that he "could give no assurance."[1]

This practically brought the Conference to a conclusion; and after some arrangements for a special exchange of prisoners, Mr. Stephens said: "I wish Mr. President, you would re-consider the subject of an Armistice on the basis which has been suggested." Taking Mr. Stephens' hand "for a

[1] *A Constitutional View of the Late War Between the States*, by Alexander H. Stephens, Vol. II, p. 617.

farwell leave," Mr. Lincoln replied: "Well, Stephens, I will re-consider it, but I do not think my mind will change, but I will re-consider."

And so the historic Conference ended after a full, fair, and dispassionate discussion of the momentous question of peace by compromise. In that group of statesmen, anchored out upon the waters of the deep blue sea, Abraham Lincoln was the imposing figure, holding absolutely in his hand the fate of a continent. With another man in his place and another man than Grant at City Point, the current of political events might have changed its course in an hour. Within ten weeks of this time the Confederacy had collapsed, and President Lincoln had fallen at the hands of an assassin—Lincoln, the best and truest friend of the fallen cause.

The commissioners on the way back to Richmond had another interview with General Grant, who "evidently," says Mr. Stephens, "regretted very much that nothing had been accomplished by the Conference." In Richmond "everybody was very much disappointed, and no one seemed to be more so than Mr. Davis." Mr. Stephens himself still entertained a lingering hope that Mr. Lincoln would "re-consider" and that something might yet come of it.

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Iowa City, Iowa

SOME PUBLICATIONS

Proceedings of the Iowa State Bar Association. Eighth annual session, held at Dubuque, 1902. Published by the Association. Pp. 227.

The temporary organization of the present State Bar Association of Iowa was effected at Des Moines in 1894, and its first regular session was held in that city during the following year. Since that time the annual sessions have been held at different places in the State, during the summer vacation of the courts. The plan of having the meetings in different places from year to year has been advantageous in that it has secured the active interest of many lawyers, who perhaps would not have attended any session if all had been held at one point; but on the other hand, it has deprived the Association of a substantial, continuous body of members who may be expected to be present at all its sessions. The work of the Association would probably be more effective if the meetings were held each year at the capital of the State.

The primary object of the various State bar associations, as well as of the American Bar Association which is composed of a membership from all the States, is to promote the general interests of the profession of law and stimulate the members of that profession in the discharge of their higher duties towards the State and the public. The constant aim of such associations has been to conserve the traditions of the profession, which recognize its members as charged with the performance of a public function. These traditions are based on the theory that lawyers who are licensed to practice their profession in the courts really constitute an essential part of such courts in the administration of law, and are not merely private persons, availing themselves of the opportunities of the profession for the purpose of individual gain. The contest is strenuously made against mere com-

mercialism, and the deliberations of the members of such associations do not relate to the best methods of practicing law to their own advantage, but rather to those matters in which the profession is discharging a public duty. The true objects of such organizations are well set forth in the constitution of the one in Iowa, which declares that "This association is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal education, and to cherish a spirit of brotherhood among the members thereof." A brief review of the proceedings of the eighth session will show that the Association is faithfully carrying out the objects for which it was organized.

The formal program of the annual session usually consists of the President's address, an address by some judge or lawyer of distinction, usually selected from outside the State, and several papers by members of the Association relating to subjects of interest to the profession. For this session the President's address was on *The Life, Character, Career and Professional Labors of Justice Samuel F. Miller, of the Supreme Court of the United States*, delivered, as usual, by the retiring President, who in this case was Hon. J. H. McConlogue, of Mason City. The annual address was by Hon. Paul E. Carpenter, of Milwaukee, on *Some of the Legal Phases of Insanity*. It would not be possible here to synopsize what was said, nor will it be necessary to eulogize the speakers. The addresses present in a full, fair, and interesting way the subject matter properly indicated by their titles. The papers read were by Hon. M. J. Wade on *The Use and Abuse of Expert Evidence*, by Hon. H. M. Remley, on the question, *Should the Marriage of Feeble Minded and Degenerates be Prohibited by Law*, and by Hon. George W. Wakefield on *The Need of Law to Govern Trial of Equity Cases.*

At the previous session a section of the Association was provided for to give special attention to the subject of *Taxation*, and at this session papers were read before the section by Professor H. S. Rich-

ards of the College of Law of the State University, Mr. A. E. Swisher of Iowa City, and Mr. E. E. McElroy of Ottumwa. The most interesting discussion of the session was that which followed the reading of these papers. Hon. R. M. Haines of Grinnell, who presided over the section, was subsequently elected President of the Association for the ensuing year; but by his recent death the Association has not only been deprived of a President, but also of an enthusiastic worker, and the bar of one of its strongest, most conscientious, and most laborious members.

The papers as to expert evidence and trial of equity cases are illustrations of the constant attention which is being given in such associations as this to the development of the law in its practical applications for the purpose of administering justice to litigants, and they deal with matters of great interest to the profession. The paper with relation to the marriage of the feeble minded and degenerates illustrates the constant and well recognized relation which must exist between the law and questions of sociology as to which legislation is thought to be desirable. While lawyers as members of the legal profession have no immediate concern with the principles of sociology, or with the proper subjects of legislation, it is recognized as practically true that legislation can be effective only so far as it is intelligently based on the law as it exists, for enforcement of legislation must rest largely with the courts.

Although lawyers are not by profession law makers, they are the wisest counsellors in determining the effectiveness of proposed changes in or additions to the law, and those of them who become members of legislative bodies render a valuable service in procuring the passage of laws which are for the public interest. The constant tendency of bar associations to discuss subjects of proposed legislation, which is not strictly within the scope of jurisprudence, illustrates the close relations between the making and the administration of laws, whatever may be their purpose. It may be questioned whether associations of lawyers do not assume too much in the interest which they manifest in subjects of this kind, for their primary and impor-

tant business is to assist in the administration of justice in the courts, and not to promote the enactment of laws. And yet the intimate relation between legislation and the administration of justice is such that it is difficult to draw any accurate boundary line, and their beneficial activity in public life is justified by the fitness which their legal training gives them to judge of the expediency of proposed measures. It would not be to the public interest to have the members of the legal profession feel that the presentation of cases to courts and the earning of fees by consultations with clients as to their legal rights constitute the extent and whole scope of the lawyer's proper sphere.

The papers on taxation and the discussion which followed especially illustrate the relation of law to legislation. It is peculiarly true as to this subject that while it is a branch of public administrative law, legislation with reference thereto must be perfected not only with the purpose of making taxes more equitable and fair as to the persons affected and adequate for the support of the government and its institutions, but also with constant and careful reference to the legal and constitutional limitations on legislative power in this respect; and if the advice of lawyers with reference to legislation is ever permissible, it is certainly to be justified with regard to legislation on this most vital and important subject. It may perhaps be admitted that the deliberations of bar associations have not accomplished very much in the past in the way of promoting wise legislation, save, perhaps, so far as the law of rights and remedies and the regulation of admission to the bar are concerned. But it is not to be doubted that these discussions have been of value in pointing out the difficulties to be contended with and overcome if such legislation shall be effectual.

A regular feature of the proceedings of the Association at each annual session has been the reports of standing committees, especially the committees on legal education and law reform. At this session the committee on legal education reported satisfactory progress in securing such modification in the law as to require increased educational qualifications on the part of those aspiring to enter the profession;

and the committee on law reform proposed some recommendations for amendment of the statutes to cure defects which have become apparent in their interpretation by the courts. The recommendations as to amendments were adopted, and no doubt will receive the attention of the legislature. The relation between the State Association and the American Association was recognized by the reports of the delegates who attended the previous session of the latter, and the importance of this vital relation was thus emphasized. While the State Association is in no sense a branch or offspring of the American Association, it is evident that the community of interest is such that cooperation must be of constant advantage.

No other profession has so close a relation to the State as the profession of law, and no other profession is doing so much to promote the general interests of organized society. Law is a branch of social science, and the success of proposed social reforms will largely depend upon the care with which they are kept within the bounds indicated by the rules and principles embodied in and recognized by the law as it now is.

Emlin McClain

Supreme Court Chambers
Des Moines

Bulletin of Iowa Institutions. Edited by the Board of Control. Published by the Authority of the Legislature. Dubuque: 1902. October. Vol. IV. No. 4. Pp. 123.

The last number of the *Bulletin of Iowa Institutions* under the Board of Control like its predecessors contains a series of selected papers on subjects germane to the work of the respective institutions under the control of the State Board, and papers especially prepared for presentation to the preceding regular quarterly meeting of the chief executive officers of the State penal and charitable institutions with the Board of Control, together with a complete report of the proceedings of the quarterly meeting including a verbatim account of the discussions elicited by the papers read. The number under re-

view closes the fourth volume of the quarterly bulletin, the first number having been issued in January, 1899. The four volumes with four numbers to each volume, which have appeared to date, constitute not only an admirable record of the regular quarterly meetings which are in the nature of a deliberative council of experts, but they furnish also a most valuable collection of material for the student of sociology, particularly for the study of certain problems of applied sociology.

A suggestion of the scope and variety of topics considered will be given by citing the titles of the more formal papers contained in the last number of the *Bulletin: Artesian Wells in Iowa*, by Samuel Calvin; *Institution Engineering*, by Clayton A. Dunham; *Selection and Care of Dairy Cows*, by M. T. Gass; *Undesirable Employees—How We Are to Protect Ourselves Against Them*, by Max E. Witte; *The Juvenile Court Probation System*, by Mrs. Isaac Lea Hillis; *Institutional Expenditures in the State Budget of Iowa*, by Frank I. Herriott (Part V in a series of thoughtful papers by the same writer); *The Juvenile Offender*, by Geo. L. Cady. Besides these papers and the discussions which followed the reading of some of them, the last number of the *Bulletin* contains a record of cases submitted for study by the medical staff of our State hospitals. Each number has its special table of contents and each volume closes with a suitable index.

It would be a convenience to the general reader if each number of the *Bulletin* contained also an official directory giving at least a list of the several institutions under the Board of Control and the chief executive officers in charge of these institutions.

Isaac A. Loos

The State University of Iowa
Iowa City

The Conquest: The True Story of Lewis and Clark. By Eva Emery Dye. Chicago: McClurg & Co. 1902. Pp. 443.

When a child, searching the shelves of my father's library for something interesting to read, I used three tests in selecting a book. If it had a sober binding, a plain prose title, and solid pages of print, it went back to the shelf unread. *The Conquest*, if it could have been there, would not have had that fate. It is, indeed, bound in sober gray, but the outlined head of an Indian on the cover solemnly commends the contents. The lettering would have been dark yellow to me then but now it is old gold, reminding me that the author is the wife of a former student of the State University of Iowa. S. U. I. is proud of her distinguished sons and daughters and of her sons-in-law and daughters-in-law as well. The title is well chosen. It may suggest anything that is attractive to young men or maidens, whether "fierce wars" or "faithful loves." The pages, too, look interesting. There is plenty of conversation and the paragraphs are short. Besides all this there is a picture of a sweet-faced lady with the one word "Judith" below. I must find out who Judith was. So I, the child, take the book and curl myself up in a great easy chair to read.

There is a note of acknowledgement which the child skips and the reviewer reads. She finds that the book is based upon a large number of original documents, letters, and family traditions; materials not yet made public and sought for and gone over with infinite patience by Mrs. Dye. A very brief foreword gives us a glimpse of what we are to see more in detail, border warfare, pioneers, Indians, and buffaloes, together with a foretaste of the vividly picturesque style of the narrative.

The Conquest is the history of the winning of the West from the Indians. Its three books tell of three periods, the first from 1774 to 1803, the second to 1807, and the third to the middle of the century. The central thought is in the middle division, the story of the journey of Lewis and Clark to the mouth of the Columbia river; but, in order that we may appreciate that, a flying survey is made of the conquest

of the West from Daniel Boone's first appearance in Kentucky until the Indians were dispossessed of the Louisiana Purchase.

The style is vividly picturesque, rather dramatic than narrative. The book is a series of scenes, each touched lightly yet with details enough to stir the imagination to fill out the rest. Men speak for themselves, brief sentences and few, yet their words make the men real to us. On the wings of imagination we dart from place to place and from event to event over the whole valley of the Mississippi and a century of time. Such a manner of writing has certain disadvantages. It must be somewhat superficial and it is not always clear. The scenes and actors change so quickly that we are occasionally not sure just where we are. Yet, when we have finished, those times and people are present and alive again in our minds. That is a great achievement in history.

I think the book will find its chief place in school libraries. Wherever United States history is being studied, it will be an exceedingly useful and enjoyable supplement to the text-book.

ALICE YOUNG

THE STATE UNIVERSITY OF IOWA
IOWA CITY

New France and New England. By JOHN FISKE. Boston: Houghton, Mifflin & Co. Riverside Press. 1902. Pp. xxiii, 378.

This posthumous work of Mr. Fiske completes his notable series of books on American history. The subject matter of the volume had been carefully prepared before the author's lamented death and was presented in lectures before the Lowell Institute during the winter of 1901–1902. Only the first two chapters, however, had been finally revised for publication. The third chapter was unfinished, but this has been completed in accordance with notes left by the author. The marginal notes and references for the remaining seven chapters have also been supplied by the editor.

The present volume is the sequel to two of the previous numbers of the series: *The Beginnings of New England* and *The Dutch and*

Quaker Colonies in America. In the preface of the last-named work the scope of the volume is described by the author as follows: "It is my purpose, in my next book, to deal with the rise and fall of New France, and the development of the English colonies as influenced by the prolonged struggle with that troublesome and dangerous neighbor. With this end in view, the history of New England must be taken up where the earlier book dropped it, and the history of New York resumed at about the same time, while by degrees we shall find the history of Pennsylvania and the colonies to the south of it swept into the main stream of Continental history. That book will come down to the year 1765, which witnessed the ringing out of the old and the ringing in of the new,—the one with Pontiac's War, the other with the Stamp Act."

The first four chapters of the work are devoted to the history of New France. The voyages of Cartier, the explorations of Champlain and Nicolet, of Joliet and Marquette, and the evolution of the ideal of a great continental empire conceived by Talon, fostered by Frontenac and inaugurated by La Salle, are all described with the author's usual charm and vigor.

The scene is now abruptly shifted to the Massachusettes colonies and the horrors of the witchcraft delusion are depicted in a manner as critical and free from sensationalism as the nature of the subject will permit. Then follows a chapter devoted to "the great awakening," in which are presented the American phases of the great ecclesiastical controversies raging during the first decades of the eighteenth century.

Political history is then resumed and the remaining chapters are devoted to the long and arduous struggle culminating in the fall of Quebec and the consequent overthrow of French absolutism in North America. Thus the work before us completes the history of the New World colonies up to the beginning of the period which has already been treated in the author's *American Revolution.*

In this, as in all his historical writings, Mr. Fiske manifests the philosophical insight and the critical temperament of the profound

student in happy combination with the spirit and enthusiasm of the interesting narrator.

LAENAS GIFFORD WELD

THE STATE UNIVERSITY OF IOWA
IOWA CITY

Annual Report of The American Historical Association for the Year 1901. In two Volumes. Vol. I. Washington, D. C.: Government Printing Office. 1902. Pp. 575.

The Seventeenth Annual Report (1901) of the American Historical Association has issued from the press at Washington. It comes as usual in two volumes. The first includes the Report of the Secretary and the papers read before the Association, the second contains the Justin Winsor Prize Essay, *Georgia and State Rights*, by Ulrich Bonnell Phillips, and the *Report of the Public Archives Commission.*

In volume I it is noticeable that two of the articles are memorials of men who have been active in laying the foundations of historical study and teaching in America—Moses Coit Tyler of Cornell University, and Herbert B. Adams of Johns Hopkins University. Perhaps no meeting of this young organization has been so suggestive of the fact that the great leaders in our comparatively new field of labor are beginning to give place to younger workers.

Both men were preeminently teachers, both were ripe scholars, and both were able to bring to bear upon their efforts a fine technical training in historical methods. This was particularly true of Mr. Adams whose sojourn with the European masters fitted him to be the father of their methods in this country. Both were men of fine personality, and each brought to his task that culture and breadth of vision so necessary for the true historical spirit.

One other feature of the report is also significant. In the President's address[1] the note of a new policy is sounded, which if followed will undoubtedly give a new direction, if nothing more, to the work of the Association. Mr. Adams, after briefly and critically re-

[1] *An Undeveloped Function*, by Charles Francis Adams.

viewing our presidential campaigns for a half century, points out the pressing need of something to elevate the standard of the debates and says: "I hold that the time has now come when organizations such as this of ours instead of, as heretofore, scornfully standing aloof from the political debate, are under obligations to participate in it." Mr. Adams then suggests a plan by which the Association shall proceed to this new work.

There is certainly no contention with Mr. Adams as to the main point. There is need of a better historical spirit, of men with the training of students to hold up the moral aspects of these questions and develop debate upon the "higher level." But as to the method suggested it would seem to be a grave question whether the Association is an organization which could adapt itself to the work or whether such an adaptation as Mr. Adams proposes would accomplish its purpose.

HARRY G. PLUM

THE STATE UNIVERSITY OF IOWA
IOWA CITY

Laws of the Territory of Iowa, Enacted at the Session of the Legislature Commencing on the first Monday of November, A. D. 1839. Published by Authority. Burlington. Printed by J. H. McKenny, 1840. Des Moines: Reprinted by the Historical Department of Iowa. 1902. Pp. 227.

Laws of the Territory of Iowa passed at the Extra Session of the Legislative Assembly. Begun and held in the City of Burlington on the first Monday in July in the Year of our Lord one thousand eight hundred and forty. Published by Authority. Burlington. Printed by J. H. McKenny. 1840. Des Moines: Reprinted by the Historical Department of Iowa. 1902. Pp. 80.

Copies of the original editions of the acts of the Territorial Assembly of 1839–40 are exceedingly rare; on that account the reprint issued by the Historical Department is commendable, since it

renders these acts generally accessible. From the view point of the lawyer these statutes are of service in the matter of titles and as an aid in construing present day legislation. Still their chief value is historical rather than legal.

The legislation as a whole possesses the characteristics common to all pioneer law making. There are numerous special acts, and very little legislation of a comprehensive character. The development of the resources of the new country is the dominant thought, as evidenced by the numerous special acts providing for the laying out of highways, the development of water power, the licensing of ferries, and the incorporation of manufacturing enterprises.

The general legislation covers a variety of topics. The most elaborate statutes along this line deal with the subjects of Recording Conveyances, Regulation of Ferries, Justices of the Peace, Habeas Corpus, Marriage and Divorce.

The pioneer function of the "grocery" is illustrated by an extensive statute governing the sale of liquors by groceries, which shows that the primitive enterprise had a far more extensive scope than is recognized in our day.

Distinctions between legislative and judicial powers were not always observed. This is shown by a legislative divorce granted at the extra session of 1840, although the legislature had passed a general statute on the same subject at the preceding regular session. Among the resolutions adopted is one concerning the then popular project of slack water navigation of the Des Moines river—a project the failure of which dashed the metropolitan hopes of scores of hamlets along the proposed route, and left a host of legal controversies for the present generation.

Although absorbed largely with plans for material advancement the Legislative Assembly was not unmindful of educational matters. An extensive statute providing for a system of common schools was enacted; and charters were granted to various educational enterprises, the most pretentious being the Iowa University to be located at Mt. Pleasant. The Assembly's generosity apparently extended

no further than the creation of an imposing board of trustees of twenty-one members, with large power, but without endowment or other resources.

A conciliatory resolution calls to mind the Missouri boundary dispute which attracted so much attention during the Territorial period. The resolution intimates the danger of war, and asks Missouri to stay its hand until Congress can act.

At the extra session of 1840 the most elaborate act passed was one providing for the organization and discipline of the Militia. This statute was due largely to the fear of trouble with the Indians. The act apportioning the members of the Assembly, passed at the extra session, shows that only seventeen counties were organized at this time.

Although the pioneer period of Iowa did not raise problems different from those of other Territories in the same period of development yet there will always be a keener interest for Iowans in the acts of those who helped to lay the foundations of this Commonwealth. Even a casual perusal of this early legislation will kindle a desire for a more intimate knowledge of the doings of the pioneers.

HARRY S. RICHARDS

THE STATE UNIVERSITY OF IOWA
IOWA CITY

Historic Highways of America. By ARCHER BUTLER HULBERT. Cleveland: The Arthur H. Clark Company. 1902. Pp. 140, 152, 215. Vol. I., Paths of The Mound-building Indians and Great Game Animals. Vol. II., Indian Thoroughfares. Vol. III., Washington's Road (Nemacolin's Path), The First Chapter of the Old French War. With Maps and Illustrations.

A method of study which is likely to result in greatly increased knowledge of the predecessors of the White Man in the United States is the tracing of the highways of man and of the larger game. "Every road has a story, and the burden of every story is a need." It is the same with man as with the moose, the deer, or the buffalo.

Each must have his new feeding ground—or must improve it. In seeking it he makes highways of travel. Of the former highways vast numbers are traceable in many parts of the country. By their means there will be found a natural order of inhabitants and the reasons therefor. The Indian was not the first here. The pioneer for him was the buffalo. The buffalo was a great roadbreaker, and the Red Man followed his leading; and "until the problem of aerial navigation is solved human intercourse will move largely on the paths first marked by the buffalo." Even our great railroads follow these trails. Most interesting are the instances of this seen in the course of the Baltimore and Ohio, the Pennsylvania, the Chesapeake and Ohio, and the Wabash.

But the buffalo too had a predecessor, or at least he was a later invader. Mound-builders were here before him, and they followed the same laws in finding highways which his brute instinct adopted. Moreover, they improved the natural courses. But "with the deterioration of the civilization to which the mound-building Indians belonged, the art of road-building became lost—for the great need had passed away. The later Indians built no such roads as did their ancestors, nor did they improve such routes on the highways as they found or made. But they collected poll-taxes from travelers along them, setting an example to generations of county commissioners who collect taxes from roads they do not improve."

And so all discovery and conquest since have gone on along these paths, for the reason that they were the natural courses. They were the line of least resistance. They were the outcome of animal instinct. The Mound-builder found them and artificially improved them. They grew over with vegetation and were modified by natural forces. The buffalo again found them. The nomad Indian followed the buffalo, and the White Man followed the Indian.

Here is a clew for the historical tracing not only of the White, but of his predecessors. This method of following the White Man's inroads is now revealing a hundred previously unknown facts concerning his progressive march. It is the object of these volumes to

make known these facts and the reason for the later distributions of White settlements. The author states that the time is now ripe for realizing that "there is a vast deal of geographic-historical work to be done throughout the United States." He earnestly recommends it to local students everywhere.

The general theory upon which the author works changes the previous notion that the "lines of migration were *along* the principal water-courses." He cites the investigations published by the Bureau of Ethnology to show that "these lines of migration were *across* the large water-courses rather than *up-and-down* them." The high lands or water-sheds, not the river-bottoms, were the road courses for the successive migrations of human and animal life.

One fact which is at the same time reason and conclusion from the study of these highways is, that "the Mound-builders were largely a rural people; and in some noticeable instances their works are found more profusely on the smaller streams than on the larger ones. This is shown by the location of their archæological remains; and a good reason for it is found in the fact of the relation of primitive settlements to river floods. That the buffalo was later than the Mound-builder is inferred from the fact that no buffalo bones are found among mound-builder relics. That mound-builder roads (often much improved) were followed by buffalo trail is seen by still existing evidence. The study of the courses of more primitive men and the paths of the great game animals becomes a historic novel. The numerous maps, charts, tables and citations from early contemporary records add greatly to interest and clearness. A look through these volumes shows most conclusively that a new source of history is being developed—a source which deals with the operation of the most effective causes influencing human affairs. History is being expanded in meaning. It is coming to include the pre-historic.

DUREN J. H. WARD

IOWA CITY

The Story of the Mormons. By WILLIAM ALEXANDER LINN, New York: The Macmillan Co. 1902. Pp. xxiv, 637.

The present controversies about the admission of certain persons to the House of Representatives and the Senate of the United States because of their religious affiliations and practices, makes a history of the Mormons a very opportune book. The fact that publishers believe there is a demand for such a book is indicated by the appearance at this time of Mr. Linn's *Story of the Mormons* and Mr. Riley's *The Founder of Mormonism* (Dodd, Mead & Co.) Mr. Linn says the purpose of his work "is to present a consecutive history of the Mormons, from the day of their origin to the present writing," and that "the search has been for facts and not for moral deductions." And yet we fear that we find signs in the same paragraph from which the above quotations were taken indicating that the author's prejudices are too strong to allow him to write a fair and impartial history. Such expressions as "The Prophet's own account.... written with *an egoist's* appreciation of his own part.... all *showing up*, as in a mirror, the character of the persons who gave this church its being and its growth," make us feel that the author has little sympathy for the people whose history he starts out to write. This impression is further confirmed by our author's "words on the sources of information," in which we are told that our author writes from a different standpoint than that taken by H. H. Bancroft in his history of Utah, which, according to Mr. Linn and a quotation given from a Mormon, was written entirely from information given by the Mormons and which aims "to give the Mormon view in the text and to refer the reader for the other side to a mass of undigested notes." The writer of this review knows so little about the Mormons that he is unable to decide whether Mr. Linn has been fair in his selection of incidents and illustrations. But one is made to feel in reading the book that the selection is, as in *Uncle Tom's Cabin*, from the extreme instead of the typical.

Nevertheless Mr. Linn has written a very readable book, and, if one takes it up understanding his point of view, a very valuable

story and mild criticism on the Mormons and their religion. Our author is of the opinion that the Mormons gain their power over people by taking advantage of the natural credulity of man and the desire for a supplement or explanation to our religion as to what goes on after death.

The book is divided into six parts, namely: The origin of the Mormons, The Mormons in Ohio, In Missouri, In Illinois, The Migration to Utah, and Utah. A native Iowan, with his yankee instinct to claim everything, is piqued not to find a division given to the Mormons in Iowa. However, our author makes up for this lack by a treatment of the Mormons in their relation to Iowa and Iowans, under "The Mormons in Missouri," and "The Migration to Utah." The chapter called "From the Mississippi to the Missouri" gives a narrative of the march across Iowa, but says nothing of the way Iowans felt toward the Mormons. In another place (p. 360), we are told, "No opposition to them seems to have been shown by the Iowans, who, on the contrary, employed them as laborers, sold them such goods as they could pay for, and invited their musicians to give concerts at the resting points."

While we may not agree with Mr. Linn that he has written an impartial history, yet we must acknowledge that he has made an excellent book. The carefully prepared table of contents and the copious index, the clear flowing style, the interesting quotations from all classes of people, the large collection of anecdotes and incidents, all go to make the book pleasing reading and a valuable reference work. The publishers have done their part by giving us excellent paper, print, and binding. So that one feels free to recommend *The Story of the Mormons* to those who wish interesting and instructive reading on that mysterious and awe-inspiring sect which we call the Mormons and who call themselves Latter-Day Saints.

ARTHUR D. CROMWELL

HUMBOLDT COLLEGE
HUMBOLDT, IOWA

Georgia and State Rights. By Ulrich Bonnell Phillips, A. M., Ph. D. In the *Annual Report of the American Historical Association* for the Year 1901. Vol. II. Washington: Government Printing Office. 1902. Pp. 224.

In the early years of the last decade Professor Gilderslieve of Johns Hopkins University, himself of southern extraction and education, stirred up a lively controversy by his assertion in his reminiscences in the *Atlantic* that the South entered upon the Civil War in defense of State Rights and not because the southern people were primarily or particularly concerned about the institution of slavery. This essay of Dr. Phillips throws a flood of light upon the pros and cons of that controversy, and on this account as well as for various other reasons is well worth study. The narrative of the shiftings and twists of political opinion in Georgia will convince most persons that political theories which affect the currents of politics arise out of the needs or rather the desires of the dominant elements, and that if such theories are not adjustable to changing conditions and cannot continue to do service in the promotion of what the mass of the citizen body believe to be their social or economic or other vital interests they are altered or abandoned. Human selfishness both in the large and in the narrow sense of the term is the great dynamic force which generally gives practical effect to philosophical theories of the constitution of government.

The narrative begins with an account of the part taken by Georgia in the adoption of the Federal Constitution in 1787. Then, because her political existence seemed to be threatened by South Carolina and the proximity of Indians and Spaniards rendered the lives and property of citizens insecure, the people of that State gave ardent and influential support to the advocates of a strong central national government in the constitutional convention and with astonishing unanimity promptly adopted the Constitution when it was submitted to them. In two chapters we follow the tortuous courses of Georgia politics when the State was attempting to oust the Creek and Cherokee Indians from their lands. If one wants indubitable proof of

the ruthless character of the forward march of the dominant Anglo Saxon when inferior races obstruct his path, Dr. Phillips supplies it in full measure. No sooner did the Georgians suspect the national government's intention of protecting the Aborigines in the possession of their hunting grounds, guaranteed to them by formal treaty, than they forgot about the great advantages of a strong national power or concluded that they were of minor importance compared with their local need for more land. When the desired ends could not be secured by legitimate diplomacy sharp tactics were resorted to, and if these failed then rough brute force was exerted. The lands they were bound to have, and with President Jackson's bluff and unjustifiable refusal to carry out Marshall's decision of the Supreme Court, they got what they wanted. While State Rights became a conscious consideration with the Georgians immediately upon that court's ruling in *Chisolm v. The State of Georgia* in 1793, public opinion did not attain to a vigorous growth or become belligerent until the contests for the Indian's land aroused popular greed. Then the rights of States bulked big, and with the progress of the debates over the extension of slavery they loomed larger and larger in the southerner's vision.

No less interesting and instructive are the chapters devoted to the formation and history of the political factions and parties in Georgia prior to 1836. The reader suffers some confusion as the author goes back over ground more or less covered in the first three chapters, and his perspective is not always clearly marked. But a close study has been made of the topography of Georgia politics. The intimate relations between social and industrial conditions in the various sections are shown and the character and color of local political contention and theories and their effect upon the general drift of the political action of the State as a whole are demonstrated; and in many respects these are the most valuable portions of the essay. He traces in great detail the tariff debates and the attitude of the State with respect to nullification. The Georgians furnish interesting illustrations of the frequency with which popular contentions are pushed forward by self

stultification. With loud and persistent assertion they declared that Congress had no power to impose a tariff or to tax them for internal improvements; yet in the same breath they instructed their congressmen to work for a constitutional convention to amend the national compact so as to reduce the growing and branching powers of the federal government under the Constitution, the most damaging sort of admission that they not only dreaded but conceded that the Constitution gave ample jurisdiction to Congress in such matters. Otherwise they could have easily blocked such infractions of State Rights by suits at law in the federal courts themselves. The author, although noting the dissenting opinion of Justice Iredell in the case of *Chisolm v. Georgia* and its expression of Georgia's sentiments at the time does not recognize, at least he omits to point out, that that judge outlined the course of judicial construction later followed by Marshall in his celebrated expositions, and furthermore suggested the interpretation by which the federal courts in the cases arising out of the Civil War justified the conduct of the Union authorities in dealing with the rebellious citizens of the seceding States, when he declared that the powers of the United States "require no aid from any State authority, etc."

The chapters on slavery and secession are of absorbing interest, but space does not permit their review. The author, a southerner by birth and early training and from natural sympathy prejudiced as regards the controversies that aroused such bitter animosities, writes with marked reserve and judicial fairness.

A number of instructive maps in colors accompany and illuminate the text, exhibiting graphically the political complexion of the various sections. It is much to be wished that the author continue his investigations into the periods of the war and reconstruction and show us the courses of opinion under the pressure of war and in the readjustments during reconstruction and the carpet-bag regime.

Following Dr. Phillips' essay in Volume II of the Report of the Historical Association is the *Report* of the Public Archives Commis-

sion, signed by William MacDonald, John Martin Vincent and Howard W. Caldwell.

This report of the Public Archives Commission contains (1) an elaborate report of the records of the city and county of Philadelphia by Drs. H. V. Ames of the University of Pennsylvania, and A. E. McKinley of Temple College, which is a continuation of the report on the Archives of Pennsylvania made last year to the Commission; (2) a digest of the laws of North Carolina respecting the preparation, care, and publication of public records by Prof. Jno. S. Bassett of Trinity College; and (3) a preliminary report on the *Archives of Texas* by Mr. E. C. Barker of the University of Texas.

The report on Philadelphia is extensive, elaborate, and very detailed giving the results of five months of painstaking work in ransacking public buildings and libraries. The exhibits are very uneven, some being painfully meager and ill considered by the authorities in charge and others bearing evidence that officials are beginning to appreciate the inestimable importance of providing for the security and preservation of official documents. This report is to be classed with the one made last year by Professor Osgood of Columbia University on the *Records of New York.* It covers the colonial and revolutionary periods, the period between 1789–1854, the records of the local governments from 1682 to 1854, and those of the city from 1854 to 1901, and of the county from 1682 to 1901. So far as discovered the files are all listed, and the various efforts towards their preservation indicated.

Some one in authority here in Iowa, the Historical Society, or the Library Commission, or the State librarians at Des Moines should make it their work to send some such circular to all of our public officials in our city and county offices as Professor Osgood prepared and sent out in the State of New York. There are scores of our city and county collections which are now indiscriminate heaps of grimy, mutilated records in cellars, closets and attics, and boxes. The writer saw one such in one of Iowa's largest cities not long since. There is need of some vigorous evangelistic work of this kind in

our State because invaluable records are being recklessly destroyed or lost or mutilated by ill usage beyond redemption.

F. I. Herriott

Des Moines, Iowa

Proceedings of the Pioneer Law Makers Association of Iowa. Reunion 1902, held at Des Moines, February 12th and 13th, 1902. Eighth Biennial Session. Des Moines: Bernard Murphy, State Printer. 1902. Pp. 131.

The Pioneer Law Makers Association of Iowa was organized in 1888 largely through the personal exertions of the late George G. Wright, who, during his whole life, retained a warm affection for the pioneer, always recalling his finer characteristics and forgetting his failings. In addition to the social features of the reunion, Mr. Wright desired to keep in memory the names and the personnel of the men who formed the early laws of the State. To separate the Association as far as possible from political and personal prejudices, those who were eligible to membership were designated by the following section: "Its members shall consist of all former State officers, including members and officers of Territorial and State legislatures, Senators and Representatives in Congress, members of the Cabinet from Iowa, United States Supreme, Circuit, and District Judges, members and officers of constitutional conventions and State boards of education, Judges and District Attorneys who served twenty-five years prior to each biennial reunion."

The reunion of 1902 was attended by about forty persons. Some of the reminiscences were quite touching. There was an interesting discussion as to the two names from the State which should be placed on the roll of honor in the Hall of Fame at the Centennial Louisiana Purchase Exposition in St. Louis.

Prominent among the names brought forward were the early pioneers, Senators Dodge and Jones, and Charles Mason, Chief Justice of the Territory and of the State. The trend of opinion seemed to settle upon the statesmen who were prominent during the Civil War. Among these Governor James W. Grimes was without dissent the first choice of the Association.

Mr. Grimes was unquestionably the ablest man of his day in the State. He outlined the policy of the Constitutional Convention of 1857 and moulded State legislation while he was Governor and for some sessions before. To his cool judgment and unbounded influence our State, cities, and counties owe the freedom from large corporate indebtedness which almost overwhelmed Illinois, Missouri, and other States during the period of early railroad construction. The constitutional provisions limiting corporate and State debt are today a tribute to the wisdom and foresight exercised by him at a time when public sentiment ran wild in the other direction.

As a member of the United States Senate from 1858 to 1868, Mr. Grimes had few equals and no superiors in devising means to meet the exigencies of those trying times. I have thought that his position on the impeachment of Andrew Johnson was the greatest act of his life.

William F. Coolbaugh, a radical Democrat who had no sympathy with his anti-slavery views, was, nevertheless, a warm personal friend of Mr. Grimes. When I first knew them they roomed together at the Clinton House in Iowa City. In general matters of State policy they were in accord. Mr. Coolbaugh afterwards told me that when it became apparent that Senator Grimes would vote in favor of acquitting President Johnson he went to Washington for the special purpose of advising him against such a course. He said to Mr. Grimes:—You are the idol of your party in Iowa. The party is radical in the extreme and wrought almost to frenzy by the murder of Lincoln and the apostacy of Johnson. You are the most sensitive man I ever knew. By the course you propose you will bring upon yourself the vengeance of your party, and your State will disown you. You will not outlive this action a year. The reply of Senator Grimes was:—I have considered all this. But my position is right, and if I die tomorrow I shall vote as my convictions dictate. I have no respect for President Johnson personally and less for his policies. But I believe each department of the government is independent; and so long as his official acts are not in violation of the Constitution

and the laws, the President cannot be removed by the joint action of the House and Senate merely for a difference of views or for official acts that are entirely within his own jurisdiction.

Mr. Coolbaugh's prediction was fulfilled. A cry went over the State that Grimes had turned traitor to the party. Shortly after this he was stricken with paralysis, resigned his place in the Senate, and did not long survive. It is universally admitted now that he was right. It would be difficult to point out any official act in his public career of which the same might not be said.

Next to Grimes in the discussion, the preference of the Association was divided between Harlan and Kirkwood. Harlan filled a place in the Senate during the war and the reconstruction period. His course met the approval of his people. His encounter with Sumner was brought up, and the consensus of opinion was that he came out of the contest by no means second.

As Governor during the war Kirkwood developed a high order of executive ability. The State met all demands for men and money made upon it, and no citizen of Iowa can look upon his administration without a feeling of pride. Upon the stump he expressed his views so clearly that the unlearned man carried home with him something which he had heard and which he never forgot; while in the legislative halls his logic carried conviction to the most scholarly. In this he far surpassed Mr. Harlan. To use the language of one of the pioneers: "While we thought Harlan's arguments were all right we sometimes thought him tedious." Kirkwood was the popular favorite, and as long as the men who heard him speak, live, he will remain so. We believe that in all the qualities which make the statesman he was fully equal to Harlan.

If this Pioneer Law Makers Association of Iowa does nothing more than keep the present generation in touch with that past which was so thoroughly stamped with the attributes of manly self reliance in the hours of trial its mission is not in vain.

PETER A. DEY

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY

Studies in United States History. By Sara M. Riggs. Ginn & Co. 1902. Pp. 173.

The object of this little volume is clearly set forth in the first sentence of the preface. "It is an attempt (1) to place before the pupil such topics, questions, and material as will lead him in his study to a thorough comprehension of the facts of American history in their relation to each other, and (2) to present the subject as a connected whole, in accordance with the principles of its development." It is essentially a worker's hand book and is so planned as to assist greatly the teacher in guiding the pupil to *think* his way through American history and the methods of solving our nation's civic problems.

Some of the most prominent features of the work are: a well selected general list of references to sources, texts, and more extensive works on American history; excellent suggestions to both teacher and pupil regarding methods of study and class work; questions that direct the pupil in attacking the work in hand; splendid lists, accompanying each topic, of references to sources, texts, and bits of literature bearing upon that specific topic; lists of topics for general research; the plan of correlation with geography, civics, and literature; and the systematic way in which the matter in hand is developed.

The work is intended to be used in grades, high schools, normals, and preparatory schools, and is certainly a book that will do much to put the study of our history on the proper plane in the field for which it is designed.

J. F. Mitchell

Drake University
Des Moines

Iowa Official Register. Compiled by W. B. Martin, Secretary of State. Published by the State of Iowa, by order of the General Assembly. Bernard Murphy, State Printer. 1903. Pp. 594.

The *Iowa Official Register for 1903*, which has recently made its appearance, is the eighteenth volume in a series that was begun in

1886 and since continued as an annual publication. There were so-called *Official Registers* before 1886. Lists of county and State officers on large cards were issued as early as 1864 for election purposes. For ten years, from 1866 to 1876, with the exception of the year 1872, these lists were printed in the set of legislative documents as a part of the census returns. The list for 1873 was also published in separate form, as a small leaflet of nineteen pages, containing simply a list of the executive and judicial officers of the State with trustees of the State institutions. After 1876 they do not appear in the legislative set and it is probable that after that date similar lists of officers were compiled as separate pamphlets annually or biennially until 1886. The State Historical Society has in its library copies for 1873, 1881, and 1883; but unfortunately these copies bear no internal evidence as to the frequency of issue. The present series was begun in 1886, and has been continued along the lines marked out in that number, the differences between the later and the earlier numbers being the results of expansion and amplification rather than of radical change in the character of the contents.

In 1886 the *Official Register* did not constitute a volume by itself. The cover reads: *Rules and Standing Committees of the Twenty-first General Assembly with Iowa Official Register, 1886.* Nor is there a definite line of demarcation between the rules of the Assembly and the official register proper. The book—a paper covered pamphlet of 104 pages—contains first a list of the executive, federal, and judicial officers, with the rules of the General Assembly; then come the lists and general information concerning State boards and institutions, and election statistics which form the basis of the present *Official Register;* and last in the pamphlet is placed the Constitution of Iowa. In the number for 1887, which forms a volume distinct from the rules of the General Assembly, lists of county officers and county statistics are added, and the list of State institutions is more complete. There is then little change until 1889, when the *Register* is made more durable by board covers, and bears as a frontispiece a portrait of one of the early Governors of Iowa—the first of a series

of illustrations and portraits of State officials which is continued in subsequent numbers. With the next number (1890) there are a few added items of general interest relating to education, the census, political platforms, and the like, which become more numerous in 1891 when we find a list of the principal officials of the United States and of the Territories.

Still the volume does not increase materially in size. It is not until 1892 that it becomes a twelvemo, which has been its size uniformly since that date. By an act of the Twenty-fourth General Assembly it was made a State document, its future publication assured, and its distribution definitely provided for. A new feature of the volume for 1893 was the statistics of the libraries in the State, a list which has appeared with additions and corrections in each subsequent issue, except in 1897 and 1898 when these lists were omitted. In 1900 appeared a bit of historical data in the form of a list of officers of the State government since its organization in 1846. This list, which was omitted in 1901 and 1902, appears again in the volume for 1903.

The *Official Register* has constantly increased in value because of the greater wealth of information which is being brought to it each year and because of the better arrangement of its material. The volume for 1903 is uniform in size and general make up with the issue for 1902. While containing statistics of the same general character for those in the last volume, the arrangement has been somewhat changed. It contains one important historical feature which was omitted in the volume for 1902, viz., a compilation of Iowa's senators and representatives in the national legislature since the organization of the State government, with a list of the Iowa men who have held cabinet positions. A table of contents in addition to the carefully prepared index renders this issue of greater usefulness than were the previous volumes.

In some of the mechanical details, however, the 1903 volume is disappointing, particularly in regard to the type, which is not clear and is often broken. The value of the library statistics is marred by inaccuracies. The State Historical Society, for example, whose

library at the present writing contains nearly 27,000 volumes, is reported to contain 2,500. The number reported to the compiler was 25,000. The discovery of this inaccuracy led to an investigation of the library statistics for other libraries not only in this but in all the volumes since 1893, with the result that similar errors were found in a large number of cases. These are the result either of a deplorable method of keeping statistics on the part of the libraries themselves, or of errors in the editing of the reports submitted to the compilers of the *Register*. Taking again as an example the State Historical Society, whose total number of volumes as given in 1900 is 20,000, the addition of 1,000 volumes in 1901 brings the total number in 1901 to 2,000 (according to the *Register*); and though 1,200 were added to the library in 1902, a total of 2,500 is the result. The Soldiers' Home at Marshalltown reports the total number of volumes in 1899 as 1,690; but with the addition of 100 volumes in 1900 the total is still 1,690, while 9 new volumes added in 1902 gives a total for 1902 of 1,900 volumes in the library. The statistics for the Law Library of the State University are no more accurate. An addition of 400 volumes to the 9,901 in the library in 1898 gives 10,260 in 1899. Although 129 volumes are added the next year, the library sustains a loss of about 2,000 volumes, the total for 1900 being 8,527. An addition of 708 gives 10,400 in 1901, and with an increase of 415 volumes in 1902 the whole number of volumes at the end of that year is given as 10,878. Even the State Library at Des Moines is not accurately listed; and the State University by adding 10,000 to its 20,450 in 1898 obtains as a result 32,000. Simpson College with 3,500 as the total number of volumes in 1898, upon an addition of 100 volumes reports a total of 4,000, and with 15 added in 1900, the total number of volumes has diminished at the end of that year to 3,000.

These discrepancies are not confined to the libraries of colleges and State institutions. The public libraries of the State have their share of peculiar statistics. The figures for the Burlington public library read as follows: with 16,760 as the number of books in 1898, the addi-

tion of 513 volumes gives 17,720 in 1899. An increase of 917 in 1900 gives as a total 19,020, and a further increase of 2,086 volumes gives a total of 21,148 in 1901, while an additional 1,719 leaves them at the end of 1902 with 22,802 volumes. Council Bluffs may be taken as another example. Adding 362 volumes to 21,562 they report 17,406 in 1899. An additional 757 the next year brings the total number up to 23,113. In 1901 the entire number of volumes is 23,923 and an increase of 897 gives 23,520 in 1902. The examples mentioned have been taken entirely at random; similar cases are of frequent occurrence.

It is probable that some of the losses noted are occasioned by the withdrawal of books from circulation or similar causes; and often upon reorganization the exact number of volumes in a library will be ascertained when the statistics previously given were only approximate, thus causing serious discrepancies in the statistics. In such cases, however, explanations should be given. Greater accuracy in the preparation of statistics on the part of libraries and institutions, and more careful editing of the material submitted are imperative if the *Register* is to be a source of authentic information.

Margaret Budington

The State Historical Society of Iowa
Iowa City

Early Voyages Up and Down the Mississippi. By Cavelier, St. Cosme, Le Sueur, Gravier, and Guignas. With an Introduction, Notes, and an Index by John Gilmary Shea. A new edition of five hundred numbered copies, reprinted for Joseph McDonough. Albany. 1902. Pp. viii, 191.

The first edition of this work, published by Joel Munsell in 1861 and limited to one hundred copies, has become practically inaccessible to the general reader. It was issued by Dr. Shea as a sequel to his *Discovery and Exploration of the Mississippi Valley*, which had appeared some years previously (1853), and was dedicated by the author to the Historical Societies of Michigan, Wisconsin, and Iowa, "as a token of membership." The narratives preserved in the vol-

ume throw much light upon the events and conditions attending the actual occupation of the Mississippi valley by the French.

When La Salle and Tonti, in 1681, floated out of the Mississippi into the Gulf of Mexico the exploration of the great river was practically completed from the Falls of St. Anthony to its mouth. A period of nearly twenty years elapsed, however, before d'Iberville arrived in force and again planted the standard of France upon the lower Mississippi, thus anticipating the intentions of both Spain and England. During this period fur-traders frequently passed up and down the river, bartering with the Indians, but no accounts of their voyages have been preserved. La Salle too, had founded his unfortunate colony of St. Louis of Texas and, in an attempt to reach his old post at Fort St. Louis (Starved Rock) on the Illinois, then in charge of Tonti, had been assassinated by some of his own men. Of the party were Cavelier (La Salle's brother) and Joutel, who finally made their way to the Illinois post and, after representing to Tonti that La Salle was still alive and his colony in need of succour, cleared away for France. The account of Cavelier here published narrates the history of the colony of St. Louis of Texas, and of the several expeditions from this base, up to a time just prior to La Salle's death. The genuineness of the document need not be questioned; as its veracity might well be were it not, in general, confirmed by other contemporary accounts.

The next narrative which we have is that of Buisson de St. Cosme, a member of the missionary party conducted by M. de Montigny to the tribes of the lower Mississippi in 1698. This has been preserved in the form of a letter to the Bishop of Quebec and is here reproduced in full, together with notes from Montigny himself and from Thaumur de la Source.

Scarcely had these missionaries reached the field of their labors when d'Iberville arrived. Then came Le Sueur "with thirty workmen in the *Renommée* and *Gironde*, Dec. 7, 1699, ... to form an establishment at the source of the Mississippi. The object of the enterprise was to work a mine of green earth that M. Le Sueur had

discovered." No account of the voyage up the river is given until after reaching the Temarois, one of the Tribes of the Illinois who had moved Southward, in advance of the Kaskaskias and Cahokias, to the alluvial bottom lands opposite to and below the present St. Louis. From here Le Sueur set out "with a falucca and two canoes manned by nineteen persons." The narrative includes an account of Le Sueur's establishment upon the Blue Earth river, near to its junction with the Minnesota.

The arrival of d'Iberville had been hailed with enthusiasm by all the tribes of the Mississippi valley over whom the French had gained ascendency. The Illinois nations were prepared to migrate in a body to the lower Mississippi, regardless of consequences. Gravier, however, succeeded in restraining them, while he himself voyaged down to the new settlements to study the situation. His journal is most valuable, furnishing, as it does, an account of the various river tribes as the French found them upon taking actual possession of the country. It is, withal, the most interesting and readable of all the narratives of the series.

Though the history of events along the lower Mississippi from this time (1700 *circa*) forward is tolerably consecutive, the next document extant relating to the upper course of the river bears the date 1728. It is the extract, here published, from a letter by Father Louis Ignatius Guignas detailing the establishment of Fort Beauharnais at "about the middle of the north side of Lake Pepin." The subsequent history of this outpost as also, for a considerable period, that of the adjacent region, is almost unknown. The volume closes with an extract from a letter by La Salle to the Marquis de Seignelay.

Upon the whole the fragmentary documents here preserved are of great interest and importance; and the enterprise of the publisher in rendering them easily accessible to the general reader is to be most cordially commended.

Laenas Gifford Weld

The State University of Iowa
Iowa City

NOTES AND COMMENT

From Houghton, Mifflin & Co. comes the announcement that Mr. Albert Shaw, editor of the *American Review of Reviews*, will contribute the volume on "Iowa" for the *American Commonwealths Series*. Mr. Reuben G. Thwaites will write the volume on "Wisconsin."

The address delivered by Major-General Grenville M. Dodge at the Twenty-eighth Annual Encampment of the Department of Iowa of the Grand Army of the Republic, which was held at Des Moines on May 21, 1902, has been published in pamphlet form. It is entitled: *Personal Recollections of General William T. Sherman.*

Upon the suggestion of Mr. Charles Aldrich and through the active efforts of Mr. A. N. Harbert a "Drummond Memorial Tablet" will soon be placed in the College for the Blind at Vinton, Iowa. A fund of nearly $100 has been raised by Mr. Harbert for this purpose. It is, indeed, time that many more historical and memorial tablets and monuments were erected in Iowa.

Volume I of the *Messages and Proclamations of the Governors of Iowa* has been announced by the State Historical Society of Iowa (Iowa City) as ready for distribution. It contains the messages and proclamations of Governors Dodge, Lucas, Chambers, Clarke, Briggs, and Hempstead, covers about five hundred pages, and is neatly bound in cloth. Volume II will be issued probably in April; and volumes III and IV will appear before December. The price per volume, express prepaid, is $2.00. The edition is limited to one thousand copies.

Students of State politics and finance will not fail to be interested in Dr. Frank I. Herriott's contributions in volumes III and IV of

the *Bulletin of Iowa Institutions* which have appeared under the title of *Institutional Expenditures in the State Budgets of Iowa.* The subject has been discussed by Dr. Herriott under five heads. I. *The Growth of Institutional Accounts in the State.* II. *Sources of Revenue.* III. *Method of Making Appropriations.* IV. *Administrative Supervision and Audit of Institutional Expenditures.* V. *Legislative Supervision and Control of Institutional Expenditures.*

Professor Isaac A. Loos, member of the Board of Curators of the State Historical Society, represented the University of Iowa at the Conference on Higher Commercial Education which was held at Ann Arbor, Michigan, in January, under the auspices of the Michigan Political Science Association.

The program of the eighth annual meeting of the American Historical Association (held at Philadelphia in December, 1902) included two papers on Western history: *The West and Nationality*, by Professor John L. Stewart; and *Party Politics in Indiana during the Civil War*, by Professor James A. Woodburn.

The Nationalization of Municipal Movements, an article by Mr. Clinton Rogers Woodruff in the March number of the *Annals* of the American Academy of Political and Social Science (Philadelphia) will be of interest in connection with Dr. Horack's article on *The League of Iowa Municipalities* which appears in this number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

It is an interesting fact that Mrs. Eva Emery Dye, the author of *The Conquest, the True Story of Lewis and Clark* (a book which is noticed on page 237 of this number of THE IOWA JOURNAL) was at one time a resident of Iowa City, Iowa, where her husband attended the Law College of the State University. Here in the library of the State Historical Society of Iowa Mrs. Dye began the historical studies which have resulted in *McLoughlin and Old Oregon* and *The Conquest.* At one time she thought of writing a story of Iowa; but when she removed to Oregon, the plan developed into a scheme for a

romance of the Northwest, which seemed more stirring in deeds and picturesque in color.

The Evolution of the Judicial Opinion is the subject of a paper read at Saratoga Springs at the meeting of the American Bar Association (August 28, 1902) by Emlin McClain, one of the Justices of the Supreme Court of Iowa. Judge McClain's paper has been issued in a pamphlet of twenty-five pages.

In *Harpers Weekly* for December 13, 1902, there is a short article on the *Iowa Idea.*

The addresses before the Grant Club (Des Moines, Iowa) since October, 1902, have been:—October 23, 1902, *National Politics*, by Mr. Sidney A. Foster; November 20, 1902, *Alexander Hamilton*, by Mr. H. H. Stipp and Mr. J. U. Sammis; December 18, 1902, *Thomas Jefferson*, by Mr. A. B. Cummins and Mr. W. W. Witmer; January 15, 1903, *Daniel Webster*, by Mr. J. C. Davis and Mr. Horace E. Deemer; February 19, 1903, *John Marshall*, by Mr. Emlin McClain and Mr. J. A. McCall; March 19, 1903, *Benjamin Franklin*, by Mr. Allan Dawson and Mr. Wallace R. Lane.

At the regular annual business meeting of the Political Science Club (Iowa) which was held on January 19, 1903, Prof. Benjamin F. Shambaugh was elected President, and Prof. Frederick E. Bolton was re-elected Secretary. Dr. Frank E. Horack, Dr. Paul S. Peirce, and Dr. Margaret Schaffner were elected members of the Club.

Under the date of January, 1903, the "circular of library information," issued by the Iowa Library Commission at Des Moines, appears as the *Quarterly of the Iowa Library Commission.* The change of name from *Bulletin* to *Quarterly* will, perhaps, more clearly indicate the real character of the circular. The January number makes special mention of some recent publications in Iowa history.

During the months of January and February there appeared in the columns of the Webster City papers a number of interesting reminiscences from the pen of Mr. Charles Aldrich, Curator of the Historical Department of Iowa.

In the January, 1903, number of the *American Historical Magazine and Tennessee Historical Quarterly* a strong plea is made for the better preservation of the State archives of Tennessee, wherein the establishment of a State Department of Archives and History is recommended. Alabama and Mississippi have already established such a department.

Sir George Otto Trevelyan intends to publish, this autumn, two volumes in completion of his *American Revolution.*

Mr. Harold M. Bowman (of Des Moines), fellow in the School of Political Science at Columbia University, has written a thesis on *The Administration in Iowa* which will soon appear in print.

The advisability of a National Political Science Association has become evident. A committee of fifteen gentlemen from different parts of the United States now has the establishment of such an organization under advisement. It is hoped that when a Political Science Association is formed it will be national in *fact* as well as in *name.*

Mr. Charles Aldrich, Curator and Secretary of the Historical Department of Iowa (Des Moines), is to be congratulated on the completion of the fifth volume of the third series of *The Annals of Iowa.*

The *First Annual Report* of the Director of the Department of Archives and History of the State of Mississippi has appeared. In this report the Director of the Department, Mr. Dunbar Rowland, gives an account of "the organization and activities of the Department from March 14th to October 1st, 1902." This "State Department of Archives and History" was established "under the auspices of the Mississippi Historical Society" by an act of February 26, 1902. The State of Alabama has a similar Department of Archives and History which was established by an act of the General Assembly of February 27, 1901.

William Craig Wilcox, member of the Board of Curators of the State Historical Society of Iowa and Professor of American History

at the University of Iowa, spent the months of January, February, and March, 1903, lecturing in Illinois, Wisconsin, and Pennsylvania under the auspices of the University of Chicago. Six lectures on *Six Critical Points in American History* were given at Wilmerding, Pa., Jacksonville, Ill., Morrison, Ill., Oregon, Ill., and Milwaukee, Wis. A second course of six lectures on *The Nineteenth Century in Europe* was delivered at Alleghany, Pa., West End (Pittsburg) Pa., Hazelwood, Pa., and Kewanee, Ill. And a third course of six lectures on *The Eastern Question* was given at Chicago, Ill.

In the *Annals of Iowa* for January, 1903, Mr. L. S. Coffin contributes an article on *Safety Appliances on the Railroads.* The value of Mr. Coffin's article lies in the fact that it was largely through his efforts that such safety appliances as are now used for coupling and for stopping cars were adopted. To him is due the major portion of the credit for national legislation which compelled the railroads to make use of self-couplers and air-brakes on freight trains.

An exceedingly interesting, though very rare, little volume has recently come into the possession of Mr. A. N. Harbert, a member of the State Historical Society of Iowa, who is making a collection of literature relating to Iowa history. The title-page of the volume referred to reads: *An Iowa Grammar, illustrating the Principles of the Language used by the Ioway, Otoe and Missouri Indians. Prepared and Printed by Rev. Wm. Hamilton and Rev. S. M. Irwin under the direction of the Presbyterian B. F. M. Ioway and Sac Mission Press, 1848.* This little volume, which contains xix + 152 pages, was evidently printed on the frontier.

Beginning with the issue of December 20, 1902, there has appeared on the editorial page of the *Iowa City Republican* a series of articles on the *Evolution of the American System of Protective Tariffs.* The fifteen chapters which have already appeared constitute an unusually interesting and valuable history of our American protective system. Rarely does a daily newspaper contain discussions on the tariff of so

scholarly a character. The author of the series is Mr. J. W. Rich, member of the State Historical Society of Iowa.

At the Kansas City meeting in 1898 the Missouri Press Association took the initiative in the establishment of the State Historical Society of Missouri. In March, 1899, the new Society was incorporated, and in May of the same year an act of the General Assembly recognized the organization as a trustee of the State of Missouri. Then followed a biennial appropriation of $4,500 by the Forty-first General Assembly. The *First Biennial Report* of the Executive Committee, for the two years ending December 31, 1902, has been made to the Governor and is now published in a pamphlet of fifty pages.

The February, 1903, issue of *Midland Municipalities* contains the following leading articles: *Street Paving in Iowa*, by F. M. Norris, Mayor of Mason City; *Artesian Wells in Iowa*, by Samuel Calvin, Iowa State Geologist; *Report of the Committee on Franchises*, by P. J. Martin, of Waterloo, Iowa; and *The Cost of Electric Street Lamps*, by G. W. Bissell, Professor in the State College at Ames, Iowa.

One of the most valuable of the recent issues of historical societies in the United States is volume five of the *Publications of the Buffalo Historical Society* (N. Y.) which is edited by Frank H. Severance. This volume of 535 pages contains: (1) papers relating to the War of 1812 on the Niagara, (2) papers relating to Buffalo harbor and early trade and travel on the lakes, and (3) papers relating to recent events in the local "history of our own times."

A sketch of classifications, entitled *The Human Races*, by Duren J. H. Ward has been recently "privately printed" by the author. The pamphlet contains twenty-eight pages.

Under the title of *The Story of the Forty-ninth*, Captain J. E. Whipple, late Sergeant of Company G, 49th U. S. Volunteer Infantry, has published some "Recollections" of his regiment. The pamphlet (which was published at Vinton, Iowa) contains sixty-six pages of reading matter besides a large number of "pictures" furnished by Mr. George E. Knapp.

That the Masonic library at Cedar Rapids will be greatly improved by the fitting up of the "Hull Annex" is gratifying news to all students of history. Under the able administration of Dr. Theodore S. Parvin and his son, Mr. Newton Parvin, the largest collection of Masonic history and literature in the Middle West has been amassed within the walls of this unique institution. Nor have the Parvins ever neglected the interests of local history in the development of the library. The "Iowa alcove" contains one of the largest collections of Iowa history in the State.

In connection with President James' paper on *State History in the Public High Schools*, which appears in this number of THE IOWA JOURNAL OF HISTORY AND POLITICS, readers may be interested in President Woodrow Wilson's address on *The Course of American History*, which was delivered before the New Jersey Historical Society in 1895 and published in Volume VIII of the *Collections* of that Society in 1900. In that address President Wilson declared that "local history is the ultimate substance of national history;" that "the history of a nation is only the history of its villages writ large;" that "the right and vital sort of local history is the sort which may be written with lifted eyes,—the sort which has an horizon and an outlook upon the world;" that "usually the significance of local history is, that it is a part of a greater whole;" and that local history is "less than national history only as the part is less than the whole." He adds that "the whole could not dispense with the part, would not exist without it, could not be understood unless the part were also understood."

The Political Science Club (Iowa), an association which was founded at Iowa City in 1897 for the discussion of questions of interest along the mutually related lines of history, politics, law, economics, sociology, ethics, and public education has continued to hold its regular semi-monthly meeting during the present academic year. The following papers have been read and discussed: *Some Facts and Fictions Concerning Educational Values*, by Professor F.

E. Bolton, October 6, 1902; *France in the Ohio Valley*, by Professor L. G. Weld, October 20, 1902; *Political and Industrial Greece of Today*, by Professor Arthur Fairbanks, November 3, 1902; *The History of the Tariff in the United States*, by Mr. J. W. Rich, November 17, 1902; *A Brief History of the State Historical Society of Iowa*, by Professor B. F. Shambaugh, December 1, 1902; *The Teutonic Order of Prussia*, by Professor H. G. Plum, December 15, 1902; *The Clearing House*, by Professor Samuel Hayes, January 12, 1903; *Sir Samuel Romilly and Law Reform*, by Professor Charles N. Gregory, January 26, 1903; *Is Crime Increasing*, by Mr. G. L. Cady, February 9, 1903; *Commercial Education—A Report of the Michigan Meeting*, by Professor I. A. Loos, February 23, 1903; *The Higher Education of Women in Spain*, by Professor H. E. Gordon, March 9, 1903; and *John Marshall as a Constructive Statesman*, by Judge Emlin McClain, March 23, 1903.

It is safe to say that in the field of State administration there is no commission, bureau, or department whose work is more effectively performed than that of the Iowa Library Commission. Its influence is rapidly becoming one of the moulding forces in the historical development of our provincial life. *Leaflet No. 2*, which has been issued by the Commission several times, clearly shows that Miss Alice S. Tyler and her co-workers are enthusiastically in earnest in an effort to have the public libraries of Iowa stand for good citizenship and intelligent patriotism. The free public libraries are urged to invest in the literature of Iowa history and government.

At their March meeting the Board of Curators of the State Historical Society of Iowa entered the following upon the records of the Society:

"Whereas, T. Mauro Garrett, Life Member of the State Historical Society of Iowa, died at Chicago, Ill., on March 4, 1903: be it resolved by the Board of Curators that the following be entered upon the records of the Society:

"Mr. T. Mauro Garrett was born in Burlington, Iowa, on Sep-

tember 1, 1855. His father was William Garrett, a distinguished citizen of Burlington. The son was educated in the public schools of Burlington. When he reached mature years he engaged in business in his native town. Later he moved to Chicago, where he met and married the only daughter of Dr. Sidney Sawyer. A successful business man, Mr. Garrett was more than a mere man of affairs. He was always the refined educated gentleman. He was much interested in books. American history, especially western American history, was his chosen subject of study. He was a life member of the Chicago Historical Society. In his death the State Historical Society of Iowa loses a faithful and helpful friend."

THE IOWA SOCIETY OF THE COLONIAL DAMES OF AMERICA

Above the names of Miss Elizabeth D. Putnam, Miss Alice French, Mrs. Emlin McClain, Mrs. Samuel F. Smith, and Mrs. James R. Kimball, the following announcement has been sent to the universities and colleges of Iowa:

"The Iowa Society of the Colonial Dames of America offers a prize of twenty-five dollars for an essay on early Iowa history, written by any undergraduate of any Iowa university or college. The writer may choose any subject of Iowa history before 1860.

"Simply as a guide, the Historical Committee submits the following list of acceptable subjects:

"The Louisiana Purchase as it has affected Iowa; Lynch Law in Early Iowa; Lyceums in Early Iowa; Social Amusements of the Pioneers; The Mormons in Iowa; Indian Treaties Relating to Iowa; The Underground Railroad in Iowa; Railroads and Town Building in Iowa.

"The essay must be signed by a fictitious name and be accompanied by an envelope containing the subject of essay, the writer's real name and a certificate from the president of his college or university that he is an undergraduate of said college or university.

"The essays must each be accompanied by an index and bibliography.

"It has been suggested by a Professor of History that students desiring to compete for the prize, read Prof. F. J. Turner's monograph on The Significance of the Frontier in American History, as a model upon which to base their work.

"The essays must be sent to Miss Elizabeth D. Putnam, Chairman of the Historical Committee, 2013 Brady Street, Davenport, Iowa, before May 1st, 1903.

"The Professors of History in the State University, Iowa College, and Cornell College have kindly consented to act as judges.

"The committee reserves the right to withhold the prize if the essays are not satisfactory.

"The essays should have no less than 1,500 and no more than 2,000 words. Three typewritten copies must be made and sent to the Chairman of the Committee."

CONTRIBUTORS

EDMUND JANES JAMES, President of Northwestern University; Vice President of the Board of Trustees of the Illinois State Historical Society; Vice President of the American Academy of Political and Social Science; and Vice President of the National Municipal League. Principal of High School (Evanston, Ill.) 1878–9; Principal of Model High School (Normal, Ill.) 1879–82; Professor Public Finance and Administration in the Wharton School (Uni. of Pa.) 1883–95; etc., etc. At one time editor of the *Annals* of the American Academy of Political and Social Science. Author of *Relation of the Modern Municipality to the Gas Supply; The Legal Tender Decisions; The Canal and the Railway; Federal Constitution of Germany; Federal Constitution of Switzerland; Education of Business Men in Europe; Charters of the City of Chicago; Growth of Great Cities in Area and Population; Government of a Typical German City—Halle;* etc., etc.

James Judson Crossley, Lawyer and State Senator. Member of the Twenty-ninth General Assembly of Iowa. Born in Madison County (Iowa) 1869. Graduated from the State University of Iowa. Graduate Student in Political Science at Yale, 1897–99. Superintendent of Schools in Madison County (Iowa) 1893–1897. Member of the American Economic Association.

Frank Edward Horack, Instructor in Political Science at the State University of Iowa. Born in Iowa in 1873. Graduated from the State University of Iowa. Studied in Germany. Received advanced degree from the University of Pennsylvania. Member of the Political Science Club (Iowa). Harrison Fellow in Political Science at the University of Pennsylvania, 1901–1902. Author of *Constitutional Amendments in Iowa*, and *The Organization and Control of Industrial Corporations* (in press).

Joseph W. Rich, Member of the State Historical Society of Iowa. Member of the American Economic Association. Member of the Political Science Club (Iowa). Born in New Jersey, 1838. Editor of *The Vinton Eagle* for 16 years. Regent of the State University of Iowa six years. Librarian of the State University of Iowa six years. Author of the *Evolution of the American System of Protective Tariffs*.

Benjamin Franklin Shambaugh, Professor of Political Science in the State University of Iowa. President of the Political Science Club. Curator of the State Historical Society of Iowa. Member of the American Historical Association. Member of the Grant Club (political). Born in Clinton County, Iowa, 1871. Author of *Documentary Material Relating to the History of Iowa* (3 vols.); *Fragments of the Debates of the Constitutional Conventions of 1844 and 1846; History of the Constitutions of Iowa; Messages and Proclamations of the Governors of Iowa* (4 vols.); *The First Census of Iowa; Outlines of Constitutional Law;* etc., etc.

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THE WISCONSIN GERRYMANDERS OF 1891, 1892

A CHAPTER IN STATE CONSTITUTIONAL HISTORY

On the eleventh of November, 1891, the Board of Supervisors of Adams county in the State of Wisconsin instructed the District Attorney of that county to institute proceedings in the courts of the State to the end that judgment might be rendered, declaring null and void the act of the legislature of 1891 which apportioned the State into senatorial and assembly districts, on the ground that this apportionment invaded the rights of the people by depriving them of equal representation in the legislative branch of the government, that it aimed to substitute the will of the minority for that of the majority, and that its provisions were unconstitutional and, therefore, directly subversive of representative government. The population of the State having been ascertained by the federal enumeration of 1890, as required by the State Constitution,[1] it became the duty of the legislature to apportion and to redistrict the members of the Senate and Assembly according to the number of inhabitants, excluding soldiers and officers of the United States army and navy, and Indians not taxed.

It was claimed that this apportionment should divide the inhabitants of the State in groups, or districts, as nearly equal as practicable; that the assembly districts should be bounded by county, precinct, town, or ward lines, and that

[1] Art. 4, Sec. 3.

both assembly and senatorial districts should consist of compact territory—the object of the constitutional provision for apportionment being to secure a practical rearrangement and re-adjustment of the assembly and senatorial districts with reference to changes in the number of inhabitants from time to time, and as far as possible to maintain equality of political power and rights between the inhabitants of these various political subdivisions.

In forming these districts, local interests unified by the acquaintance and associations of their inhabitants were to be conserved as far as practicable. By the census of 1890 it appeared that the total population of the State was one million six hundred and eighty-six thousand (1,686,000). The State Constitution limited the number of assembly districts to one hundred, and the number of senatorial districts to thirty-three. This limitation of the membership of the two houses, therefore, fixed the units of representation at sixteen thousand eight hundred and sixty-eight inhabitants in an assembly district, and at fifty-one thousand one hundred and seventeen in a senatorial.

The act of Assembly of 1891 violated these constitutional provisions and duties, as was shown in its apportionment of representation. Not only was the unit of representation exceeded in many districts and diminished in others, but the assembly district in many cases was made to consist of counties not forming a compact territory, and to include towns outside of these counties. One district was one hundred and three miles in length. In one instance between two assembly districts there was a difference in population of thirty thousand three hundred and twenty-five inhabit-

ants. Other variations were flagrant. In one case there was an excess, over the unit of representation, of fourteen thousand seven hundred and ninety-nine persons; of sixteen thousand nine hundred and seventy-five persons in another; and of twenty-one thousand nine hundred and thirty-three in a third; while in others the population fell below the unit to the number of five thousand seven hundred and forty-nine in one, to twelve thousand six hundred and seventy-six in a second, and to thirteen thousand three hundred and fifty in a third.

The apportionment also changed the senatorial districts throughout the State so as to prevent large numbers of electors, who had participated in the election of State senators in 1888, from participating in the election of senators in 1894; while it permitted other electors, who had participated in the election of State senators in 1890, to participate again in such an election in 1892. The effect of this rearrangement of the senatorial districts was to disfranchise one-fifth of the total population of the Commonwealth.

In order to prevent an election under the act of 1891, the supervisors of Adams county sought to enjoin the Secretary of State from issuing writs for the next general election on the eighth of November, 1892, when members of Assembly, and State senators from the even numbered senatorial districts, would be elected in accordance with the terms of the act. Unless restrained by an injunction, issued by the Supreme Court of the State, the Secretary would issue the writs; in which event it was declared that the electors of Adams county and its inhabitants and the inhabitants of the State would be greatly injured in their political powers,

rights, and liberties as granted them by the Constitution. In order that the case might be heard and determined without delay, the Adams county supervisors presented their petition for the injunction in the Supreme Court of the State and averred the invalidity of the act of apportionment of 1891. The District Attorney of Adams county, therefore, became the petitioner, for the supervisors, to the court, praying leave to bring action there in the name of the State, on the declaration of the Attorney-General of the State or in the name of the county of Adams, or of its District Attorney, or otherwise as the court might direct, to restrain the Secretary of State perpetually from making, publishing, and delivering the notices of election of members of the Senate and Assembly as directed by the objectionable law.

The Attorney-General, upon this relation of Adams county and of its District Attorney, with the consent of the Supreme Court, came before its justices at the capitol, in the city of Madison, in the name of the State and showed that, under the practice of the court and the laws of the State, persons and corporations having grievances and claiming the exercise of the prerogative powers of the court to secure their rights, could be heard in the court only through the office of the Attorney-General of the State or through other parties by the consent of the court. The Attorney-General was unwilling that any parties claiming an injury to their rights, remediable by a judgment of the court, should be denied the use of his official name, as the law officer of the State, simply because that officer might not fully be convinced of the just claim of the party to be relieved; therefore, without assenting or dissenting as to the

truth of the allegations of the complaint he brought the question of the constitutionality of the act before the court. Thus the State of Wisconsin became the plaintiff and the Secretary of State became the defendant in the case, and the first procedure was to determine whether or not the Secretary might be properly restrained from delivering notices of election of members of the Senate and Assembly under the act.

The original jurisdiction of the court was thus invoked to restrain the Secretary and his successor in office from giving notices of election of members of the legislature, on the ground that the act of 1891 was unconstitutional. The Board of Supervisors of Adams county adopted their resolution on the eleventh day of November, 1891. On the seventh of the following January the District Attorney of that county caused notice to be given to the Attorney-General of the State that, in obedience to the resolutions of the supervisors, he desired to institute an action in the Supreme Court in the name of the Attorney-General.

Eight days later the petition of the District Attorney of Adams county was filed, setting forth specifically the wrongs of which the complaint was made. On the day following, the security for costs was furnished by Adams county; on the twenty-first, the Attorney-General notified the attorney for the petitioner that application has been made to the Supreme Court to begin an action for the purposes prayed for in its petition; and on the second of February the court granted leave to bring suit.

The Secretary of State was required by law[1] to make out

[1] Wisconsin *Laws*, 1883, Sec. 1, chap. 327.

a notice in writing, between the first day of July and the first of September in each year in which members of Assembly and State senators were to be elected for a full term, stating what senators were to be chosen at the next election, specifying the districts in which they were to be elected, publishing a copy of the notice in a newspaper printed in the capital once a week until the day of election, and also transmitting a copy to the clerk of each county in which an election was to be held.

To the complaint filed by the plaintiff answer was made by the respondent—the Secretary of State—that the complaint did not show that the District Attorney of Adams county had any interest in the subject matter which would entitle him to a standing in court to petition for a relief from a real or supposed grievance; nor had the court any jurisdiction in the case; nor did the complaint state wrongs recognizable in a court of equity; and finally, that the complaint failed to show that the act of 1891, either in letter or in spirit, was any violation of the Constitution of Wisconsin.

The question on which the action of the court turned was whether the subject matter of the complaint was one affecting the sovereignty of the State, its franchises, or its prerogatives.[1] The question at issue, therefore, involved the jurisdiction of the court and the unconstitutionality of the law. The jurisdiction of the court depended upon its powers under the Constitution of the State, which vested original jurisdiction in the court to issue writs of *habeas corpus*,

[1] State *Ex rel.* Drake *vs.* Doyle, Sec. State, 40 Wis. 186; Atty. Gen. *vs.* Eau Clair, 37 Wis. 442.

mandamus, *injunction*, *quo warranto*, *certiorari*, and other remedial and original writs. The constitutional provision that the court should have power to issue these writs and to hear and determine them conferred the fullest jurisdiction.[1] All judicial power in matters of law and equity are lodged in the courts.[2] The Constitution did not define any of the terms describing the above mentioned writs. The full meaning of its language had to be ascertained by an examination of the decisions of the court itself and of other courts.

There was slight doubt of the power of the court to issue a writ of *quo warranto*. It had been issued in an action where an information had been filed charging the defendants and others with exercising the powers of banking without authority of law.[3] So, too, the writ had been issued to determine what person had been elected Governor of the State.[4]

In cases in which State officers had been clothed with power under the Constitution to perform certain administrative acts, the original jurisdiction of the court had been exercised in issuing a writ of *certiorari*. So a State Superintendent of Instruction had been commanded to send up for review his proceedings in determining upon an appeal a question relating to the division of a school district;[5] and the writ had been issued to affirm his action in reversing, on

[1] Wis. Con., Art. 7, Sec. 3.

[2] Art. 7, Sec. 2.

[3] Atty-Gen. *vs.* Blossom, 1 Wis. 317.

[4] Bashford, relator, *vs.* Barstow, respondent, 4 Wis. 567; also cases quoted in Simmons' *New Wisconsin Digest*, 1, p. 716, Col. 2. part 2.

[5] State *Ex rel.* Morland *vs.* Whitford, 54 Wis. 150; 6 *Political Science Quarterly*, 493.

appeal, the determination of the district school board that a certain child was not a resident in a school district in the sense that he was entitled to the privilege of attending the public school in that district *gratis*.[1]

The ministerial action of State officers had been controlled through the exercise of the original jurisdiction of the court by means of a writ of *mandamus*, as when a Secretary of State had been compelled to revoke the license of a foreign insurance company,[2] and when a writ was invoked on behalf of the State as a purely prerogative right in matters *publici juris* it was held that the court had no discretion and that the writ goes *ex debito justitiæ*.[3] By this writ a Secretary of State had been compelled to audit a claim, and it was held that the court had a right to direct him as to the question of interest allowed.[4]

Through this writ the court could require the Board of State Canvassers to determine, in accordance with law, which one of the candidates for the office of representative in Congress was entitled to a certificate of election.[5] So by writ of *mandamus* the Secretary of State, State Treasurer, and Attorney-General, *ex officio* land commissioners, had been compelled to issue patents for State lands to certain petitioners.[6]

[1] State *Ex rel.* School Dis. *vs.* Thayer, Supt., 74 Wis. 150.

[2] State *Ex. rel.* Drake *vs.* Doyle, Sec. State, 40 Wis, 175.

[3] State *Ex rel.* Continental Ins. Co. *vs.* Doyle, Sec. State, 40 Wis. 220, 236.

[4] State *Ex rel.* Sloan *et al. vs.* Warner, Sec. of State, 55 Wis. 271.

[5] State *Ex. rel.* McDill *vs.* Board of State Canvassers, 36 Wis. 498.

[6] State *Ex rel.* Com. Pub. Lands, 60 Wis. 344; 70 Wis. 627; 73 Wis. 211.

From these decisions it was claimed that a State officer was not clothed with discretion in the performance of official duty; that his action would be reviewed by the court, which would compel him to perform his duty according to law; and that in all cases the court would interpret the law and the Constitution and compel action accordingly.

In all matters *publici juris* affecting the sovereignty of the State, its franchises, or prerogatives, or the liberties of the people, the writ of injunction issues as a matter of strict right and duty, and the court had no more discretion to withhold it to restrain violation of public right than to withhold *mandamus* to enforce public duty.[1] The phrase "liberties of the people" in judicial sense signifies the aggregate political rights and franchises of the people of a State at large.[2]

It was claimed that the cases involving the apportionment of the State under the act of 1891 affected the liberties of the people; that the provisions of the law, if carried out by the Secretary of State, would violate the Constitution and deprive a large portion of the inhabitants, that is, electors of the State, of an equal and just proportion of political power and right in the choice of representatives in the legislature; in which case the legislative body would restrain the liberty of every citizen of the State. With equal right it might change the laws relating to inheritance and the jurisdiction of property. It might raise or lower the rates of taxation; or largely increase the number of officials in the State and

[1] Atty-Gen. *vs.* Railways, 35 Wis. 425 and 595; State *Ex. rel.* Atty-Gen. *vs.* Eau Clair, 37 Wis. 400.

[2] *In re* Pierce, 44 Wis. 441.

the expense of maintaining them; or determine the fees of all officials who enforced the mandates of the court.

From this review of these cases it was maintained that there could be no controversy over the original jurisdiction of the court to control the action of the Secretary of State in the discharge of his duties, which, as in giving notice of election, were purely ministerial and involved no element of discretion.[1] There was no doubt that, were the act of 1891 a constitutional provision, and were the Secretary of State inclined for any reason to disregard it, and were he to refuse to call the coming election under the law, the court would send its mandate to him to compel him to obey the law. If it appeared that the law which he proposed to obey was clearly in violation of the Constitution, the court was under a solemn duty to act with equal promptness in restraining him from doing a great public wrong.

Chief-Justice Ryan had distinguished between the action on a writ of injunction and that of *mandamus*. *Mandamus* commands; injunction forbids. *Mandamus* compels duty; injunction restrains wrong; and there is sometimes a doubt which is the proper writ to issue. It was safe to assume that the Constitution gives injunction to restrain excess in the same class of cases in which it gives *mandamus* to supply defect.[2]

Nor were there wanting cases from the supreme courts of other Commonwealths which illustrated the doctrine. The Auditor of the State of Ohio had been enjoined for the pur-

[1] Martin, relator, *vs* Doyle, Sec. State, 38 Wis. 92; State *Ex rel. vs* School Dis., 65 Wis. 631.

[2] Railway Cases, 35 Wis. 520.

pose of protecting a United States bank in that State in the exercise of its franchises, which were threatened in 1824 by an act of the State legislature in violation of the Constitution of the United States.[1]

So the Governor and other State officers acting as a Board of Liquidation had been restrained from carrying out the provisions of a State law in liquidating an indebtedness claimed to be due from the State, on the ground that such action would impair securities already issued and thus violate the obligation of the contract.[2]

In general the United States courts clearly established the doctrine that in the exercise of equitable jurisdiction the officers of a State could be enjoined from proceeding to act under a State law which violates the Constitution of the United States and invades the rights of citizens of other States.

This feature of government, the power of courts to declare a law or a statute unconstitutional, is peculiar to the American political system and may be called a discovery in civil government. A fundamental difference between the governmental system of Great Britain and that of the United States is illustrated in the place and function of the judiciary in the American system, to which the British system has no corresponding part. The law in the United States is fundamentally set forth in a written Constitution "established and ordained by the people of the United States."

[1]Osborn *vs* U. S. Bank, 9 Wheaton 739; affirmed in Davis *vs* Gray, 16 Wallace, 803.

[2]Board of Liquidation *vs.* Maocmb, 92 U. S. 531; Mecham Pub. Off. Sect. 997.

The Constitution of the United States and the laws and treaties made under it are the supreme law of the land. Because of this supremacy of the Constitution the several federal States as civil corporations maintain their existence by express grants. The executive, legislative, and judicial powers of the United States and of the several States are subordinated to this Constitution and are controlled by it. Neither the President of the United States, nor Congress, nor the Governor of a State, nor its legislature, nor its courts can legally exercise power inconsistent with the provisions of the federal Constitution. Every State legislature, therefore, becomes a subordinate law-making body, its laws being of the nature "of by-laws, valid whilst within the authority conferred upon it by the Constitution, but invalid or unconstitutional if they go beyond the limits of such authority."[1] All the power of the English state is concentrated in the imperial Parliament, and all departments of government are legally subject to absolute parliamentary control. The British judiciary does not rank with the British Parliament as a coördinate branch of government, and it might be modified, or even abolished, by act of Parliament without violation of the British principles of constitutional government.

In America, on the contrary, the federal judiciary is coordinate with the President and with Congress, and the State judiciary with the Governor and the legislature. The coördination of the powers of the judiciary and the executive and legislature is usually set forth in a State Constitution, just as the coördination in analogous federal mat-

[1] Dicey, *The Law of the Constitution*, Lecture IV.

ters is set forth in the Constitution of the United States. By means of the written Constitutions of the State, and of the United States the duties and powers of a judge, whether federal or State, are clear. The State is, therefore, bound to consider as void every act of the legislature inconsistent with the State Constitution or with the Constitution of the United States.

A State judge has before him two Constitutions, that of the State and that of the United States. By them the process of government, both in the Commonwealth and in the United States, is made practically certain and clear, and one of the chief objects of government is secured. This organization of government in the State does not merely produce a system of checks and balances in which the coördinate departments of the Commonwealth or of the United States are, as it were, pitted against each other for the purpose of conserving the interest of the State, though often conceived as the intended expression of such checks and balances. The existence and coördination of the three departments of government are rather to be conceived as functional, and as the three-fold aspect of the civil unit. The unit is representative and consists of powers delegated by the sovereign power in the State. The entire civil provision is, therefore, a device whereby to conserve the interests of the civil organism; to identify them; and to free from uncertainty all civil procedure in which they are involved.

In a representative government like our own, any confusion in the terms by which its powers are delegated must cause civil discord and prevent the people from enjoying all the harmonious results which daily give a definition not

only of popular rights and liberties, but also of the normal progress of the State in its industrial affairs.

The judicial system in American government is illustrative of one of the most remarkable evolutions in the modern state; and the applications of its functions in determining the harmonious development of civil institutions in America constitute, perhaps, the primary evidence of the claim of representative government to a future of wide extension in the world.

The question whether the apportionment of representation in Wisconsin in 1891 was constitutional raised far more than a point of technical procedure in a court of law. An act of apportionment affects all the political interests of a State and its citizens, and is of such fundamental importance as to conserve and correlate or to imperil them. The interpretation of the validity of that act must necessarily test the nature of American representative government. In the course of that interpretation not only appears the power of the legislature to make such an apportionment as interpreted by the coördinate branch of the government, the supreme court, but there also appear the principles of government upon which such an apportionment must be made; the application of these principles by the legislature in a legislative act; the interpretation of that act by a coördinate branch of that government; the duties of ministerial officers in the State in the execution of the terms of that act; or, fundamentally, and in brief, the relations which exist between the three representative agencies in the State, the executive, the legislative, and the judiciary.

An act apportioning representation thus becomes a test of

the quality of representative government in a free commonwealth; and in its comprehensiveness, in its political effect, in the relations in which it places one elector to another, and groups of electors to other groups, in its effect in equalizing the representation of the citizens of the State, it is a process which exemplifies the character of the administration of public affairs. Tested by the principles of representative government, an act apportioning representation is the evidence of a sound or of an unsound condition of the State. The judicial department, therefore, becomes the one tribunal through which the unlawful assumption of power by the legislative body can be prevented and by which the action of all legislative bodies can be restrained according to the provisions of a written Constitution.

The relation between courts of justice and the legislative authority is clearly laid down in the *Federalist*. "There is no position," says Hamilton, "which depends on clearer principles than that every act of a delegated authority, contrary to the tendency of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this would be to affirm that the deputy is greater than his principal, that the servant is above his master, that the representatives of the people are superior to the people themselves, that men acting by virtue of powers delegated may do not only what their powers do not authorize but what they forbid. If it be said that the legislative body are themselves the constitutional judges of their own powers and that the construction they put upon them is conclusive upon the other departments, it may be answered that this cannot be the

natural presumption where it is not to be collected from any of the provisions in the Constitution. It is not otherwise to be supposed that the Constitution could intend to enable the representatives of the people to substitute their will for that of their constituents. It is far more rational to suppose that the courts were designed to be the intermediate body between the people and the legislature, designed, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. The Constitution is in fact and must be regarded by the judges as the fundamental law. It, therefore, belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from a legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution should be preferred to the statute; the intention of the people to the intention of their agents. Nor does this conclusion by any means suppose the superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws rather than by those which are not fundamental."[1]

[1] The *Federalist*, LXXVIII.

In the Massachusetts Convention of 1820, Webster, in discussing the independence of the judiciary, further illustrated the fundamental ideas thus set forth by Hamilton in the *Federalist*. "It can not be denied," said Webster, "that one great object of written constitutions is to keep the departments of government as distinct as possible and for this purpose to impose restraints designed to have that effect, and it is equally true that there is no department in which it is more necessary to impose restraints than the legislative. The tendency of things is almost always to augment the power of that department in its relation to the judiciary. It is the theory and plan of the Constitution to restrain the legislature, as well as other departments, and to subject their acts to judicial decision whenever it appears that such acts infringe constitutional limits. The Constitution is the supreme law. Any act of the legislature, therefore, inconsistent with the supreme law, must yield to it; and any judge seeing this inconsistency, and yet giving effect to the law, would violate both his duty and his oath."[1]

In illustration of the same principle, Chief-Justice Marshall declared that the object of a written Constitution is not only to define and limit the powers of the legislature, but also to prevent those limits from being mistaken or forgotten.[2]

No principle in American law is better established than that of the independence of the judiciary and its right and duty to decide the constitutionality of a law. The application of this principle in the case affecting the constitution-

[1] Webster's *Works*, III, 29, 30, 31.

[2] Marbury *vs.* Madison, 1 Cranch 137.

ality of the Wisconsin apportionment act of 1891 illustrated the right and power of the supreme court of a State to enjoin the Secretary of State from making and publishing notices for an election under such an act. The question of jurisdiction was, therefore, settled. But was the act itself unconstitutional?

In order to determine whether or not the act was unconstitutional, it became necessary to examine the provision of the State Constitution concerning apportionment, and in such an examination the debates in the convention which framed that Constitution are primary evidence. The article in the Wisconsin Constitution[1] on the apportionment of representation differed somewhat from the propositions on the subject originally introduced in the convention. It was first proposed that the members of Assembly should be chosen by single districts, annually, on the day of the general election, by the qualified electors of the districts, and that Senators should be chosen for two years at the same time and in the same manner as members of Assembly. Senators were to be chosen in each senatorial district and, at the first session of the legislature, were to be divided by lot into two equal classes; the seats of the first class to be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half of the Senate should be chosen annually.[2]

This provision created what is known as the double district system—two senators in each district—and illustrates

[1] Wisconsin Const., Art. IV, Sec's. 3, 4, 5.

[2] *Journal of the Wisconsin State Constitutional Convention*, Madison, W.T. Tenney, Smith and Holt, Printers, 1848, p. 117.

the persistency of the ideas held by the framers of Constitutions in the northern States, that local representation should always be preserved. No restrictions were placed upon the legislature in making either assembly or senatorial districts. In the discussion of this apportionment, an amendment requiring that districts containing the requisite population should be as compact as possible was adopted without dissent.[1] Whether the members of Assembly should be elected from single districts within a county, or on a general county ticket, was finally determined by providing for single districts.

In order to prevent gerrymandering, it was decided that the convention itself should make the first apportionment and not leave it either to the legislature or to the county boards. The senatorial districts were to be of convenient and compact territory,[2] and no assembly district was to be divided in the formation of a senatorial district.

In 1881 the Constitution of Wisconsin was amended and the sessions of the legislature were changed from annual to biennial. The amendment provided that members of Assembly should be chosen biennially by single districts; that these districts should be bounded by county, town, ward, or precinct lines, should consist of continguous territory, and be in as compact form as practicable. Senators were to be elected by single districts of convenient, contiguous territory, and, as before, no assembly district was to be divided in the formation of a senatorial district.

[1] *Id.* p. 255.

[2] "Contiguous territory" is the wording of the clause.

Therefore, in order to prove the unconstitutionality of the act of 1891 it was necessary to show that its apportionment did not comply with the provisions of the Constitution. The excess over the unit of representation in certain districts, and the deficiency in other districts, were exhibited to prove the plain deviation. It was shown also that in the formation of the districts the constitutional provision for compact territory had been violated.[1]

The intention of the framers of a State Constitution is best known from the debates in the convention which framed it. The debates in the Wisconsin convention of 1848 show that the system of apportionment, finally incorporated in the Constitution, was to preserve county lines, which would follow the adoption of the single district system. The fundamental idea in representation in America, that each county is a corporate community constituting a representative unit having communal interests, has been illustrated repeatedly in the formation of all the State Constitutions, and was at the basis of the theory of representation in Wisconsin. The county should be viewed in the light of a family. It was necessary that individual rights should be defined and that no difficulty be left for the head of the family to settle[2]—an idea patriarchal in antiquity, and early illustrated in the civil organization of New England as well

[1] The excess or the deficiency in population in the districts, with maps showing the union of counties or towns under the Act of 1891, with much historical and explanatory matter, are given in an exhaustive pamphlet on *The Gerrymander of Wisconsin, A Review of the Legislative Apportionment Act of 1891*, by A. J. Turner, of Portage, Wisconsin.

[2] *Debates*, Wisconsin Convention, 1848.

as of the middle and southern Colonies. Each organized county was conceived as having separate interests; as being a small republic that could not be properly represented except by its resident citizens.[1] It may be considered as settled in American government that the county, organized as a corporation, is the fundamental unit of representation, and that a county can be represented only by its own citizens who reside within its boundaries and who are identified with its commercial interests.

Although Webster, in the Massachusetts convention of 1820, denied the legal and political claims which were put forward by Judge Levi Lincoln and others in defence of corporate representation, it must be admitted that the course of the evolution of representative government in this country has brought out clearly and indisputably the legal and political claims of the county to this fundamental place as a political corporation. There was a particular application of this idea in the making of the Wisconsin Constitution of 1848, expressed in the language of a member of the convention, "that population should not be the basis of representation," "that territory should be the basis in particular, but population in the main,"[2] implying that one county, though small, should be entitled to representation as well as another though large, but that the unit of representation should be a number of people within an organized territory, that is, within a county. Therefore, as the county lines always partially coincided with the town and ward lines, the meaning of the word county in the Constitution would be

[1] *Id.* p. 385.

[2] *Debates*, p. 390.

wholly lost if, in the apportionment of representation, these lines were disregarded. This interpretation conforms to that principle of constitutional law laid down by Justice Cooley, that effect is to be given if possible to the whole instrument, and to every section and clause, and in favor of a construction which will render every word operative.[1]

What power authorizes an apportionment of representation to be made? Does it reside in the legislature, or is the legislature to be an agent in exercising that power? A power affecting so fundamentally the interests of the people of the State must be defined in a written Constitution, in order to avoid the civil confusion which its abuse would produce. An apportionment of representation by the legislature, therefore, involves the powers of the legislature, and the relative authority of a legislative act and of the Constitution itself. Such an apportionment must have for its original authority the will of the sovereign power in the State, which, in the American political system, resides in the people and not in any branch or department of government.[2] The Constitution, therefore, limits the power of the legislature. It does not merely direct what the legislature shall do, but forbids the legislature to do certain things.[3] In construing a Constitution, the same rules in the interpretation of language are applicable as in construing the acts of a legislature.[4]

[1] Cooley, *Constitutional Limitations*, 5th ed., pp. 70–71.

[2] Bashford *vs.* Barstow, 4 Wis. 567.

[3] State *Ex rel.* Brayton *vs.* Merriman, 6 Wis. 14; Varney *vs.* Justice, 86 Ky., 569.

[4] 1 S. & B. Am. Stat. p. 35.

The Constitution and a law passed by a legislature are not of the same rank; when they conflict, the law must give way to the Constitution. It is the function of the courts to determine whether such conflict exists.[1]

The rapid strengthening of the national government has attracted to it the attention of statesmen and of writers on government and jurisprudence, but little attention has been given to the development of government in the Commonwealths; yet without a knowledge of this development it is impossible to understand the origin, nature, and evolution of American democracy. Of the principal aids in our understanding of the government of the Commonwealths there exists the work of the constitutional conventions, much of which exists in print; the acts, public and private, of State legislatures, nearly all of which are printed; the ordinances of cities, and the reports of judicial decisions in the superior courts of record in all the States. In the determination of constitutional questions the proceedings in constitutional conventions are primary evidence, and it may be laid down as fundamental in American government that in the interpretation of a State Constitution the meaning of words as construed by the people at the time of its adoption and the remarks made by the members of the convention which framed the fundamental law are strong primary evidence.[2]

The principle has been touched on by Justice Cooley, that every Constitution has a history of its own which is likely

[1] Cooley, *Constitutional Limitations*, 5th ed., p. 55.

[2] Railway Co. *vs.* Taylor Co., 52 Wisconsin 37, 63, 64. Cooley, *Constitutional Limitations*, p. 81. Bay City *vs.* State Treasurer, 23 Mich. 506.

to be more or less peculiar, and unless interpreted in the light of its history is liable to be construed to express purposes which were never in the minds of the people when agreeing to it. In the interpretation of a Constitution, therefore, a court of law keeps in mind this history and the times and circumstances under which the Constitution was formed, in order to "enforce the law which the people have made and not some other law which the words of the Constitution may possibly be made to express."[1]

It follows that when a Constitution prescribes the manner of making an apportionment of representation, it is, in effect, a prohibition of any manner save that prescribed.[2] An act of a legislature evading or invalidating the purpose of the Constitution, whether expressed or implied, is, therefore, void.[3] A provision of the Constitution which declares the manner in which an apportionment should be made must be construed according to the ordinary meaning of words as understood at the time when the Constitution was made, and if by clear expression, or by implication, the legislature be excluded from pursuing any course, such limitation is as valid as if the legislature were prohibited from that course by a special provision of the Constitution. The effect is the same as if the legislative act were repugnant to such a special provision.[4] A constitutional provision is not merely directory, to be obeyed at the discretion of any of the departments of the government;[5] such a provision is mandatory.

[1] People *vs* Harding, 53 Mich. 485.

[2] State *Ex rel.* Murphy *vs.* Barnes, 24 Florida 29.

[3] People *vs.* Albertson, 55 N. Y. 50.

[4] Page *vs.* Allen, Penn. State 338; S. C., 98 Am. Dec. 272.

[5] Hunt *vs.* The State, Texas and S. W. III. 233.

The legislature in making an apportionment must not deviate from the mandate of the Constitution; nor can it be conceived to have any discretion in the exercise of its powers in making an apportionment. It must proceed according to the plain interpretation of the language of the Constitution itself. It might be said that when a legislature lays off a State into congressional districts it exercises a political, discretionary power, for which it is responsible to the people. It may be asked what is the distinction between the political and the legislative power? The Consti tution might have vested the power to make an apportionment of representation in the Governor, in the courts of law, or in a commission specially organized for the purpose.

In 1870 the people of Louisiana empowered the Governor and Secretary of State to "ascertain and fix the apportionment of the State for members of the first house of representatives." In Ohio, by the Constitution of 1850, the power for making such apportionment was vested in a board of State officers. In either case the power to district a State would be restricted by the Constitution itself. Legislative power extends only to the making of laws, and in its exercise it is limited and restricted by the paramount authority of the Federal Constitution and of State Constitutions. Political rights do not differ, as subjects of legislation, from any other rights of a free people. An apportionment of representation affects the interests of political parties, but such interests are in no instance cognizable under a State Constitution. In the administration of the affairs of a Commonwealth, its counties and towns are political subdivisions and are factors to be considered by the legislature in its acts.

The legislature which violates a restriction of the Constitution relating to these counties and towns, or one relating to their powers of local self-government, by depriving them of the right of self-government and the equality of representation, transcends its powers.

It is not enough that an apportionment of representation merely redistricts the State. The power of the legislature is not absolute in such an apportionment and the courts must determine its constitutionality. An apportionment act must be strictly construed; because the State Constitution expressly indicates the direction in which the legislature shall go in making such an apportionment. There are powers of the legislature under the Constitution which are not so restricted; but an examination of all the State Constitutions, from the earliest to the latest, discloses the gradual and closer definition of the process by which an apportionment of representation shall be made. Directly after the Revolution this definition of process began and it has continued until the present time with ever increasing precision, and consequently with limitation of the power of the legislature to apportion representation.

The whole weight of representative government falls upon the equality of representation. Any variation from a basis of equality will disturb the civil poise. This process of defining the duties and powers of a State legislature in apportioning representation is from uncertainty at the close of the eighteenth century to certainty at the close of the nineteenth, and the language of the Commonwealth Constitutions themselves demonstrates that it was the intention of the framers that the power of apportionment should be

strictly construed. A certain definition of the powers of each branch of the government; a certain definition of the rights which the people have delegated to their representatives; a certain definition of what rights they have retained unto themselves;—these can be made by a written Constitution. The limitation on the power of State legislatures, which has developed so rapidly in the later State Constitutions in the numerous inhibitions on special legislation, are of a similar nature although not of a similar rank with the limitation upon the legislature in making an apportionment of representation.

Early in our national history, Mr. Justice Paterson, of the Supreme Court of the United States, defined the relation of legislatures to the Constitution: they are the creatures of the Constitution; they owe their existence to the Constitution; they derive their powers from the Constitution. It is their commission, and, therefore, all their acts must be comformable to it or else they will be void. The Constitution is the work, the will, of the people themselves in their original sovereign, unlimited capacity; law is the work, the will, of the legislature in their derivative, subordinate capacity. The one is the work of the creator, the other of the creature.[1]

If an act of the legislature districting a State is declared unconstitutional, it does not follow that the court would thereby make an apportionment act and substitute its judgment for that of the legislature. Such an assumption confuses two departments of government. The court in declaring a law unconstitutional does not thereby make a new law. It is the function of a court of justice to declare the law.

[1] Van Horn *vs.* Dorrance, 2 Dallas 308.

It is the function of a court to determine whether the constitutional provision for an apportionment of representation has been obeyed by a legislative act brought before it for adjudication by due process of law.

It was contended by the learned counsel who represented the State against the Secretary of State in the case involving the Wisconsin apportionment of 1891, that the act violated the provisions of the Constitution, and that the court had jurisdiction to determine not only the constitutionality of the act, but also to issue an injunction prohibiting the Secretary from issuing notices of election under the act.

The decision of the court was long and able. It affirmed its own jurisdiction in the case, which meant that the question involved was one *publici juris*, presenting a case in which the interposition of the court was required to preserve the State's prerogative of legislation, because the Senate and Assembly elected under an unconstitutional apportionment act would not be bodies which could lawfully exercise the prerogatives of legislation. The court had original jurisdiction because the apportionment act, if unconstitutional, would deprive the people of equal representation in the legislature, a right guaranteed them by the Constitution.

Nor was the jurisdiction of the court an invasion of the constitutional provisions of the legislative department, but an inquiry into the constitutionality of the law. The case concerned matters strictly *publici juris* in which no one citizen had any special interest other than those common to all citizens. The case was, therefore, properly brought by the Attorney-General in the name of the State on a complaint

made to him by a private citizen;[1] nor was it necessary that the private citizen should be joined with the Attorney-General in the complaint, nor that it be shown that either he or that citizen had any special interest in the case.

An act of the legislature apportioning the State into senate and assembly districts is passed in the exercise of its legislative and not of its political power, and, therefore, the constitutionality of such an act is the subject of judicial inquiry. The Secretary of State is a ministerial officer, and his duty in respect to the notices of the election of members of the Senate and of the Assembly under an apportionment act are ministerial, not political; if such an act is unconstitutional, he may be restrained by injunction from proceeding under it.

The provisions of the Constitution requiring the legislature to apportion the State are mandatory and not subject to legislative discretion. And when the Constitution declares that assembly and senatorial districts shall be bounded by county, precinct, town, or ward lines, and shall consist of contiguous territory in as compact form as practicable, the integrity of county lines must be preserved and the formation of a district partly out of one, or of more than one county, or of a fraction of another county, or of fractions of several counties, can not be made, and such a law violating the Constitution will be void.

Such a law further violated the Constitution in its apportionment of population, for the Constitution required the apportionment of the State to be according to the number of inhabitants. As the number of senators and of members

[1] A. J. Turner, Esq., of Portage, Wisconsin.

of Assembly are determined by the Constitution, the unit of representation could, therefore, be known upon the basis of the federal census. An apportionment by which the most populous senate district contained sixty-eight thousand and the least populous thirty-seven thousand, and by which the most populous assembly district contained thirty-eight thousand and the least populous six thousand, was not an apportionment according to the meaning of the Constitution. The several provisions of the act apportioning the State were largely dependent on each other; therefore, if some of the districts were apportioned unconstitutionally the entire act would be void.[1]

The court in this celebrated case not only entered into an examination of its own jurisdiction, but also with equal learning set forth several principles of representative government in America. The question before the court affected the integrity and stability of the political system. An apportionment act affects no one class of people, no one locality, but all the people of a State in their collective and individual rights and interests. Such an act can not be declared void because it was supposed to violate the natural, social, or political rights of the people, unless it was made clear that the act was violative of rights guaranteed or protected by the Constitution. It would not be sufficient to show that the act violated principles of government unless these principles were placed beyond legislative encroachment by the Constitution itself. Nor was it sufficient that

[1] State *Ex rel.* Atty-Gen. *vs.* Cunningham, Sec. of State, Circuit Court of Wisconsin, March 22, 1892. Northwestern Reporter, Vol. 51, 725.

the act in a general sense was opposed to the spirit of the Constitution. The unconstitutionality of such an act consisted in its repugnance to the expressed provision of the Constitution and to those limitations necessarily or conclusively implied from it; for in all matters of unlimited discretion, or in matters involving only considerations of public policy, the determination of the legislature must be final and conclusive. The courts could not change it.

Nor could the act be held void because of any supposed improper motives or unconstitutional intentions of the legislative body which had passed it. Reasons of public policy forbade a judicial inquiry made with a view of defeating the operation of any public legislative enactment. The motives of the legislature are not the subject of judicial inquiry. Such an inquiry can only be made into the powers of the legislature under the Constitution. The ancient doctrine that the king can do no wrong applies to the motives of the legislative body, for it is never supposed that the legislature has acted improperly, unadvisedly, or from other than pure, public motives under any circumstances, when acting within the constitutional limits of its authority.

The rights to be guarded by an apportionment act are of such a character that provisions regarding them in the Constitution are to be construed as mandatory and not as directory merely. The language of a Constitution, therefore, was a proper subject for interpretation, under the general principle that effect is to be given to every clause or word of a statute, and that no word was to be treated as unmeaning if a construction could be legitimately found which would preserve it and make it effectual—a rule applicable with special

force to written Constitutions, in which the people are presumed to have expressed themselves in careful and measured terms corresponding in importance to the powers delegated, leaving as little as possible to implication.[1]

The entire constitutional history of Wisconsin showed that it was the intention of the makers of the Constitution of 1848 to avoid opening the door to gerrymandering. In consideration of all the facts and circumstances, and having due regard to the language of the Constitution, the court was compelled to the conclusion that the Constitution was not intended to permit the legislature to dismember any county in the formation of districts, but that the legislature was prohibited from placing one county, or more than one, and a portion of a county, or portions of two or more counties, in the same assembly district, and that such prohibitions were found in the constitutional provision which required that assembly districts should be bounded by county, town, or ward lines.

The principle of apportionment according to population was violated in the act of 1891. "The county is the primary territorial unit in the formation of assembly districts, and members of Assembly must first be apportioned to counties." There must, therefore, be substantial equality of representation in proportion to population as between all the different counties, and between districts composed of two or more counties.[2] As the assembly districts were the unit of civil measure, the senatorial districts could not be formed until the assembly districts had been properly ap-

[1] Cooley, *Constitutional Limitations*, p. 72.

[2] N. W. Reporter, Vol. 51, p. 744.

portioned. The act of 1891 was, therefore, unconstitutional and void.

Because of this adjudication the Governor of the State, on the first day of June, 1892, issued a proclamation convening the legislature in special session on the twenty-eighth day of the month, to apportion the State into senatorial and assembly districts.

The legislature assembled and apportioned representation in the State, but its act was as much in violation of the Constitution as the act which the court shortly before had declared unconstitutional and void, and this second apportionment act became the subject of judicial examination in the Supreme Court on the ground that, like the preceding act, it was unconstitutional. The apportionment of 1892 varied but little in its method from that of 1891. Although it apportioned the State according to the divisions of county, town, and ward lines, like the preceding act, it grouped the population unequally, so that the variation from the unit of representation was a deficiency of more than twenty thousand of the population in the fourth senatorial district and an excess, in the seventeenth district, of nearly fifteen thousand. Similar variations from the representative unit were made in the assembly districts.

Meantime a similar case of the violation of representation had arisen in Michigan,[1] and the Supreme Court of that State declared that the time had arrived for plain speech against the outrageous practice of gerrymandering which had become so common in the country. It had been too long suffered without rebuke and it threatened not only the

[1] Giddings *vs.* Blackner, 52 N. W. Rep. 544.

peace of the people but the permanency of free institutions. The rights of the people could be saved by Congress alone, who could give them a fair count and equality of representation. Every intelligent school boy knew the motives of these legislative apportionments. "It is idle for the courts to excuse the act on other grounds, or to keep silent on the real reason, which is nothing more or less than partisan advantage taken in defiance of the Constitution and in utter disregard of the rights of the citizen."

The principle of apportionment was well illustrated by Webster, in 1832, in his report to the Senate on the apportionment of representation in the United States. A Constitution must be understood not as requiring an absolute relative equality, because that would be demanding an impossibility, but as requiring Congress to make an apportionment of representation among the several States according to their respective numbers as near as may be. That which cannot be done perfectly must be done as near perfection as possible. If exactness from the nature of things cannot be obtained, then the greatest possible approach to exactness should be made.[1] Congress is not absolved from all rule merely because the rule of perfect justice cannot be applied. In such cases the approximation becomes the rule, it takes the place of that very rule which would be preferable, but which is found to be inapplicable, and because it is an obligation of binding force; the nearest approximation to exact truth or exact right, when either cannot be reached, prevails in every case, not as a matter of discretion but as an intelligible and definite rule, dictated by justice and conforming

[1] Webster's *Works*, III. p. 375.

to the common sense of mankind; a rule of binding force in each case to which it is applicable, and no more to be departed from than any other rule or obligation.[1] So it may be laid down as settled in State government that representation shall be apportioned to population as near as may be.[2]

It may also be laid down as a fundamental principle of American government that in apportioning representation the discretion of the legislature is limited by the mandates of the Constitution which are to be carried out as nearly as possible. The purpose of the written Constitution is to eliminate from legislation the element of mere arbitrary discretion. Otherwise the legislature will trample upon the Constitution, and the statute will take the place of the fundamental law of the Commonwealth. Equality of representation is a principle in American government; therefore it was never contemplated in a Constitution that one elector should possess more influence than another in the person of a representative or a senator. Each elector in the Commonwealth is possessed under the Constitution of equal power and influence, and such equality lies at the basis of free government. The right to equal suffrage is a high right exercised by a citizen in a free country, and equal representation is the expression of that right in the making and in the administration of the laws of the land. A written Constitution fixes the right of the elector beyond dispute. It reduces his rights and privileges to a certainty, of which a court of justice can take cognizance. The legislature cannot deprive him of his right to such equal representation.[3]

[1] Story, *Commentaries*, II, 682, note, and Kent *Commentaries*, I, 231.

[2] People *vs.* Cannaday, 73, N. C. 198.

[3] Vol. 52, N. W. Reporter, 946.

It was argued, in defense of the second gerrymander in Wisconsin, that an equal apportionment of property was a sufficient equivalent for a variation in population in two districts—a doctrine which was a revival and a perversion of the doctrine of property as a basis of government advocated by Webster seventy years before. In this second decision, handed down by the Supreme Court of Wisconsin, on the seventh of October, 1892, the opinions in the previous case were re-affirmed, with the additional opinion that when a district with less population than another was given the same representation because of the greater value of the property in it and on account of the nature and character of its population and of its business interests, a constitutional apportionment of representation had not been made. Not only should such a district be bounded by county, town, precinct, or ward lines, and consist as far as practicable of contiguous territory in compact form, but the legislature in its apportionment should also make the districts as nearly as may be according to the number of inhabitants; an unequal districting was beyond the discretionary power of the legislature.[1]

The evil running through these unconstitutional acts was their assumption that the only limit to the discretionary power of the legislature, in making such apportionment, was the major and minor fractions of the unit of representation; in asserting a broad discretionary power in the formation of assembly districts by giving to the inhabitants of one assembly district three times the representative power pos-

[1] State *Ex rel.* Lamb *vs.* Cunningham, Sec. of State, N. W. Reporter, Vol. 53, p. 35.

sessed by another; and in the formation of senatorial districts by giving to the inhabitants of one of them more than twice the representative power possessed by the inhabitants of another. For such obnoxious standards the Constitution gave no warrant and would not bear such a construction.

The first Wisconsin case was the first in this country in which an entire apportionment act was passed upon by a court. The attorneys representing the interests of the Commonwealth were in great doubt whether the court would take jurisdiction of the case, but the court placed no obstacle in the way and the matter of jurisdiction proved to be a simple one. The case is also important as sustaining the right of a private citizen to bring an action *publici juris* without the consent of the Attorney-General.

The great significance of the judicial decisions in these cases implies that the power which a legislative body is compelled to exercise by the Constitution cannot be considered as discretionary. The constitutional rights of the citizen to equal representation and a just apportionment of representation in the Commonwealth are mandatory upon its legislature.

FRANCIS NEWTON THORPE

MT. HOLLY, NEW JERSEY

NOTE: The Wisconsin gerrymander of 1891 is the subject of a valuable pamphlet by A. J. Turner, of Portage, Wisconsin. Mr. Turner inaugurated the test case in the Supreme Court of the State. In 1893 Mr. Turner generously placed in my hands a copy of his pamphlet together with copies of the briefs filed by both sides in the Wisconsin gerrymander cases. Of counsel, in this case, among others, were Hon. William F. Vilas, in support of the constitutionality of the act of 1891, and Hon. John C. Spooner, against its constitutionality.

F. N. T.

ANTHROPOLOGICAL INSTRUCTION IN IOWA

In the January number of THE IOWA JOURNAL OF HISTORY AND POLITICS the writer discussed the *Historico-Anthropological Possibilities in Iowa.* It is desirable now to ask how such anthropological possibilities are finding expression through the organized means of public instruction? To what extent has Anthropology been taught, or to what extent is it being taught? What agencies are active in disseminating it? Judged by these agencies, what is the estimate placed upon it by our educational authorities? Compared with the stress laid upon it by the national government and by some of our higher institutions of learning, where does Iowa rank?

The academic side of this inquiry is answered in the large by two articles from the pen of Dr. George Grant McCurdy, of Yale University. In these articles Dr. McCurdy gives the results of inquiries from the principal universities and colleges of Europe and the United States. He desired to learn the amount and character of instruction in, or of tendency toward, anthropological subjects.[1]

IOWA WORKERS OF FORMER YEARS

In that aspect of Anthropology which has been most cultivated in Iowa it was shown, in the article referred to as having appeared in a previous number of THE IOWA

[1] See *Science* for December 22, 1899, and February 7, 1902.

JOURNAL OF HISTORY AND POLITICS, that much valuable information is at hand and much more is waiting to be uncovered by the diligence of students who should now presumedly be working in this field. It was pointed out that in anthropological interests Iowa presents the finest of possibilities. Again, it is known that Iowa has produced more than her quota of original or pioneer workers. These investigators have done a great amount of profitable labor, though the results have not been put together. Indeed, the public is not aware of the really creditable efforts in which it shares the honor. Several of the most eminent Anthropologists and Ethnologists in America to-day have either been raised upon Iowa soil, or, at least, have had a considerable amount of their schooling in the study of archæological remains and other anthropological investigations in this State. I refer of course to William J. McGee, Frederick Starr, William H. Holmes, Frank Russell, to the various men connected with the Davenport Academy of Sciences during its years of growth and usefulness, and to the men who have written for and supported *The Annals of Iowa*. In any adequate treatment of this subject, the work of these and other investigators should severally receive attention. They have done much in the way of "Anthropological Instruction," chiefly because of their love of science, and not so much as part of any organized educational effort toward such an end. It is doubtful if any other State in the Union has furnished so many Anthropologists of the first rank.[1]

[1] It is perhaps not altogether creditable to our State enterprise that not one of the four Anthropologists just named has been kept within our borders.—EDITOR.

In addition to those already mentioned, there have been numerous workers who have contributed much to public intelligence and interest (if not in all cases to scientific accuracy) by lectures, articles, pamphlets, books, and collections. Among them I must mention Charles Aldrich, W. E. Alexander, W. V. Banta, Edwin A. Barber, F. E. L. Beal, Major Beebe, Geo. W. Bettisworth, A. Blumer, A. L. Brace, Allie B. Busby, Samuel Calvin, Augustus Campbell, John Campbell, George Catlin, A. D. Churchill, E. W. Claypole, A. J. Conant, J. B. Cutts, Robt. N. and Chas. L. Dahlberg, M. W. Davis, Seth Dean, J. O. Dorsey, S. B. Evans, P. J. Farnsworth, R. J. Farquharson, J. W. Foster, A. R. Fulton, Isaac Gallard, John Garretson, J. Gass, Charles E. Harrison, Richard Hermann, S. S. Howe, Cora M. Jordan, Charles R. Keyes, L. G. Kimberling, Isaac Loos, Clarence Lindley, E. P. Lynch, Garrick Mallery, Benjamin Morgan, Justus M. T. Myers, Samuel Murdoch, J. R. Nissley, Charles Negus, C. C. Nutting, Stephen D. Peet, W. H. Pratt, S. V. Proudfit, C. E. Putnam, E. Schmidt, G. Seyffarth, R. E. Sloan, J. E. Stephenson, C. Thomas, Theron Thompson, A. S. Tiffany, William L. Toole, G. C. Van Allen, Clement L. Webster, Charles A. White, William Williams, F. M. Witter, and H. T. Woodman.

THE DAVENPORT ACADEMY OF SCIENCES

Another feature worthy of special note is the contribution made by the Davenport Academy of Sciences during the thirty-five years of its existence. Anthropology has really received a great deal of attention from this remarkable insti-

tution. Many of the names above mentioned have been in one way or another related to the Academy. In its museum there is a large and creditable collection of objects illustrating anthropological topics. The *Proceedings of the Davenport Academy of Natural Sciences* contain many articles descriptive of the "finds" and summarizing the discussions and papers read at its meetings. This work, as a whole, has commanded the respect of scientific organizations throughout the world. Its publications have been passed in exchange for those of other societies here and in Europe. It has steadily accumulated these exchanges and other works until it has a library of perhaps forty thousand volumes, printed in more than a score of languages. In addition to this, the Academy has from year to year maintained public lectures and scattered its influence in definite ways through the schools of Davenport and other places.

ANTHROPOLOGICAL COLLECTIONS

In a paper of this character there ought to be a heading on the anthropological collections in Iowa; but it would be hard to make any just statement or estimate concerning such collections. The one at Davenport in connection with the Academy by far exceeds all others. There are numerous individual collections in many parts of the State. Some have attracted considerable attention. Among these I should mention those of Mr. M. W. Davis, of Iowa City, Mr. Clement L. Webster, of Charles City, Mr. Seth Dean, of Glenwood, etc. Certain institutions possess articles of interest which may some day be assembled in an anthropological museum that will do credit to the State and be a

center of public instruction. Such institutions are the State Historical Society of Iowa at Iowa City, the Historical Department at Des Moines, the State University, several of the Iowa colleges, and some of the secret societies — e. g. the Masonic Library at Cedar Rapids.

ACADEMIC INSTRUCTION

The foregoing remarks are merely suggestive of what has been done outside the sphere of purposive, organized, educational effort. It will be seen from what follows that anthropological instruction has entered very little into the organic educational consciousness of the State. In occasional departments here and there in the higher institutions a few lectures or references are made to the science of man. Occasionally a professor realizes this gap and supplies in his course a few lectures to make the proper connections with his subject.

The honor of the first definite college work in Anthropology within the United States is believed to belong to Rochester University, through the enterprise of Professor Gilmore. To Iowa belongs the second place. About 1886 or 1887, Professor Frederick Starr (now of Chicago University) taught classes in Anthropology at Coe College.[1]

THE STATE UNIVERSITY OF IOWA

From the catalogue for 1902–3 the following branches, courses, and hours of instruction are taken:—Greek, 35

[1] Perhaps Harvard University has third place through Dr. Duren J. H. Ward's lectures delivered in 1888–9. For years before all this, Harvard, through Professor Putman, and Pennsylvania, through Dr. Brinton had fostered the archæological work which must pioneer the way for Anthropology as a science.—EDITOR.

courses, with 1218 hours; Latin, 37—1476; Sanskrit, 2—72; French, 16—1620; Spanish, 2—108; Italian, 2—108; German, 20—2304; Scandinavian, 20—468; English, 30—1576; Public Speaking, 19—540; History, 14—576; Sociology, 13—432; Political Economy, 20—630; Political Science, 14—648; Philosophy, 20—936; Education, 13—900; Animal Morphology and Physiology, 10—684; Zoology 7—360; Botany, 10—576; Geology, 12—792; Chemistry, 11—450; Physics, 16—558; Mathematics, 30—1961; Astronomy, 2—180; Civil Engineering, 17—1008; Anthropology, 0—28 hours; Ethnology, 0—7 hours. Total, 392 courses, 20,217 hours. Total in anthropological studies, 35 hours.

SOME DETAILED COMPARISONS

In the average college curriculum there are no superfluous studies. Every branch has inestimable importance. The comparisons here instituted are on the basis of the proverb, "These ought ye to have done, and not to leave the other undone." Among things of great value to life, the opportunity for each must be provided, and then the choice must be left to the individuals. There is no good reason why a college education should be marked out as four years long. Within these years no one can take all the studies now laid down in the catalogue. And still they are there, and in ever greater number—for choice. Their influence, their relative importance, are by common consent acknowledged by their presence in the list. But there are others not yet seen by average catalogue-makers. In the nature of things, knowledge must increase. He errs who thinks "to finish his education" by completing any course whatever.

From the University catalogue let us next take at random one study under each department and observe the number of hours of instruction, i. e., the relative importance assigned to it. Let us follow this with a chapter or section from Anthropology or Ethnology. Sometimes there may be analogous relationships, sometimes not. In this way, perhaps, we may see the fact of disproportion.

Greek—Old Greek life—House, dress, marriage, funeral, market, trade, war, etc. 72 hours.

Ethnology—The same of Chinese, Japanese, Hindus, Egyptian, Slavic, Scandinavian, American, Polynesian and African peoples. 00.

Roman—Plautus—Captivi, Trinummus, Menæchmi, Rudens, Amphitruo, Miles Gloriosus, and Pseudolus. 54 hours.

Anthropology—Beginnings of Thought-interchange—Cries, signs, gestures, articulated vocals, language (types: agglutinative, inflectional, monosyllabic, and positional), records (quipos, pictographs, ideographs, phonetics—alphabets, words, syntax, rhetoric, literature, poetry, science, history), engraving, printing, etc. 00.

French—Merimée, Colomba, or Quatre Contes; and Alphonse Daudet, Tartarin de Tarascon. 450 hours.

Anthropology—Psychogeny—Origin of literature, forces or motives developing it, stimulations, inventions, artistic outcome in prose, poetry, etc. 000.

German—Old High—Tatian's Evangelienharmonie, Benedictiner Regel, Isidor, Notker's translation of Boethius de consolatione philosophiæ, and the Trierer capitulare. Also Hildebrandslied, Muspilli, Wessobrunner Gebet, Merse-

burger Zaubersprueche, Ludwigslied, and Otfrid's Evangelienbuch. 72 hours.

Ethnology—Origin and characteristics of the German, French, Italian, Spanish, English, Scandinavian, Slavic, Roman, Greek, Persian, and Hindu races—thence back again to the early Aryan, Semitic, Turanian, Mongolian, etc. 00.

Scandinavian—Norse—Readings from Bjornson's Smaastykker, En Glad Gut, and Synnœve Solbakken, Jonas Lie's Fortællinger og Skilldringer fra Norge, and Ibsen's Et Dukkehjem. 108 hours.

Anthropology—Primitive Man—Physical, intellectual, social and religious development of prehistoric European races—Canstadt, Furfooz, Cromagnon, etc. 000.

English—Old and Middle—Chaucer's Canterbury Tales, Langland's Piers the Plowman, Beowulf, etc. 180 hours.

Anthropology—Religiogeny—Source of religious attitude (objective and subjective or external and internal); Animism, Fetichism, Revelation, Nature Worship, etc. 000.

Public Speaking—Literary Interpretation—Lyric, epic, dramatic, and oratoric forms. 72 hours.

Ethnology—Ethnical cultus—Ceremonies, ordinances, organization, orders, symbols, places, etc. 00.

History—Greece and Rome. 72 hours.

Anthropology—Historical landmarks—Vesalius, Linnæus, Buffon, Blumenbach, Prichard, Boucher de Perthes, Spencer, Darwin, Lyell, Huxley, etc. 00.

Sociology—General—From Plato to Spencer. Social amelioration: police, sanitation, charities, correction, public utilities, education, etc. 108 hours.

Anthropology—Sociogeny—Zoögenic associations, zoogenic industry, economogeny, etc., etc. (Treated in Sociology, first semester by several lectures.) 6.

Political Science—Historical and descriptive—Primitive man, evolution, relations to Anthropology, Indo-European peoples, origin of government, political institutions of Greeks, Romans, Germans, etc. 54 hours.

Anthropology—Sociogeny—Politics, origin of law and order, justice and equity, administration and government, etc. (Treated in Political Science, first course by several lectures.) 10.

Philosophy—Abnormal Psychology—Perception, memory, imagination, reasoning, will and feeling discussed with reference to sleep, hypnosis, illusions, automatisms, alterations of personality, insanity, degeneracy, and crime. 36 hours.

Anthropology—Ethnical outlooks—Ideas of man's origin, of relation to supernatural beings, of salvations from certain evils, of future lives and destinies. 00. Courses 9 and 12 of Philosophy are in close connection with chapters in Anthropology.

Education—Principles—Meaning of education from standpoint of psychology, neurology, biology, anthropology, sociology, heredity and environment; nervous system, mental hygiene, habit, association, memory, imagination, apperception, instinct, sense perception, observation, feeling, volition, motor training, suggestion, imitation, etc., etc. 108 hours.

Anthropology—Sociogeny—Origin of purposive training, cultivation of rational selection, imitation by the

young, primitive teaching, learning trades, origin of schools, division of knowledge, beginnings of science, specialization in teaching, origin of book methods, museum collections, reactions, etc. (Touched upon in one division under "Principles," above.) 6.

Animal Morphology and Physiology—Vertebrates—Laboratory study of representative protochordates: lamprey, shark, skate, catfish, necturus, frog, turtle, pigeon, rabbit, etc. 108 hours.

Anthropology—Somatogeny—Man as an organic being, his embryological and anatomical characteristics, origin of his physiological and pathological peculiarities (gestation, lactation, puberty, longevity, diseases, etc.) (Incidentally touched in courses 1, 3, 8, and 10 of Animal Morphology.) 00.

Zoölogy—Speculative—Theories of origin and development of animal forms, historical review of prominent workers; special attention to habits, instincts and intelligence of animals. 72 hours.

Ethnology—Physiological varieties among races: gestation, lactation, puberty, longevity, diseases, deterioration, fertility, sterility, amalgamation, etc. 00.
(Frequent reference is made to Anthropology in the Zoölogical Department.)

Botany—Plant physiology: laboratory and field work, processes of absorption, assimilation, respiration, transpiration, geotropism, hydrotropism, etc. 72 hours.

Anthropology—Ethnogeny—Origin of races, modes of classification, (zoölogical, linguistic, mythological, social, genealogical, etc.); evolution and race, destiny of races. 00.

Geology—Rock Types and Families. 144 hours.

Ethnology—Human Types and Families. 000.

Chemistry—Aliphatic, Carbocyclic, and Heterocyclic compounds. 144 hours.

Anthropology—Families—Consanguine, Punaluan, Syndyasmian, Polyandrous, Polygamous and Monogamous. 000.

Physics—Heat and Thermodynamics, Alternate Currents and Transformers. 144 hours.

Ethnology—Anatomical, Physiological, Psychological, Sociological, Moral, and Religious Characteristics of the Human Races. 000.

Mathematics—Rectangular and Polar Coördinates; Loci in general, including the *Graphs* of the Rational Integral Function; Circle, Ellipse and Hyperbola; Tangents, Normals and Asymptotes. 144 hours.

Anthropology—Psychogeny—The beginnings of Calculation and Computation—counting, weighing, combining and generalizing things; measuring matter, laws and processes. 000.

Engineering—Mechanical and Freehand Drawing; oblique, isometric, cabinet and orthographic projections and lettering; linear perspective, shades and shadows. 72 hours.

Anthropology—Origin of Art for the eye: marking, scratching, painting, carving, sculpturing, etc. 00.

Military Science and Tactics. 336 hours.

Anthropology—Sociogeny—Origin of Administration or Government, law, order, violation, civil disturbance, war, etc. (Treated briefly in course 1 in Political Science.) 10.

Who will undertake to say that the subjects above named under the paragraphs beginning "Anthropology" and "Ethnology" are unworthy of academic recognition? Who will care to say that they are of less value than the studies named before them? Is not every one conscious that they would hold an honored place in any consensus of opinions? And who can render any satisfactory explanation for this wholesale neglect?

THE STATE NORMAL SCHOOL

In the catalogue issued in June, 1902, there are offered about 20 branches of study under the headings of 57 courses. The number of hours not being stated, the relative proportions of time given are not obtainable. They include the customary studies and are treated in commendable spirit and method. It does not appear that Anthropology and Ethnology receive any attention as sciences. Undoubtedly the anthropological attitude and some of the facts are found in several of the courses. No systematic study of Mankind in the State Normal School? And yet the people who leave its halls are expected to deal most intimately in the schools with growing and developing human beings!

DRAKE UNIVERSITY

A study of the catalogue issued in May, 1902, shows the following facts. In the College of Liberal Arts there are 28 branches taught in 68 courses, covering 8154 hours of instruction. Of these Christian History and Evidences occupy 3 courses, with 284 hours; Hebrew, 3—432; Aramaic, 1—28; Syriac, 2—116; Assyrian, 2—144; Semitic Antiquities, 1—14; Ancient Inscriptions, 1—36; while

Sociology and Political Economy have but 1 course with 144 hours, and Anthropology and Ethnology 0 courses with 000 hours! The College of the Bible gives 9 branches in 23 courses of 2536 hours. The descriptions of instruction given in Physiology and Archaeology show close relationship to Anthropology.

IOWA COLLEGE

In the catalogue for 1902–3, instruction leading to the two bachelor degrees of arts and philosophy is offered in 18 branches with 148 courses and 8928 hours. Among these, Greek, Latin, English, Mathematics, Philosophy, Political Science and Zoölogy are most emphasized.[1] Music is offered in 7 courses with 342 hours. Anthropology and Ethnology are not mentioned under these or other titles.

CORNELL COLLEGE

The catalogue examined is for 1901–2. Twenty-five branches are treated in 51 courses and 6442 hours. Latin, Greek and Engineering are strongly emphasized. The English Bible is studied in 2 courses of 112 hours, and Theism and Apologetics in 2 courses of 88 hours, while Anthropology and Ethnology are omitted.

[1] This long detailed study has some rewards in the curious contrasts presented in certain features of the courses of various colleges. For example, Iowa College offers 12 courses with 540 hours in Political Science; and Drake offers 1 with 144 hours in Sociology and Political Economy. Drake offers 10 courses with 570 hours in Semitic Languages and Literature; and Iowa College offers nothing in this line for bachelor degrees. Iowa College mentions 148 courses with 8928 hours, and Drake 68 courses with 8154 hours.

The above is a small part of the result of an analytic and comparative study of the courses offered in several of the representative institutions of higher education in the State of Iowa. The catalogues of the other colleges have also been examined. They do not show that Anthropology and Ethnology are offered as branches for a liberal education, nor that their facts and laws are treated under other branches. Thus it would appear that the two or three dozen lectures, voluntarily given by professors in several of the departments of the State University, constitute the sum of definite academic instruction along this line within the State.

If "liberal education" includes intelligence regarding mankind in the largest available ways, a great mistake is being made. From the point of view of *time relations*, no study can open up the mind to a realization of the vastness and meaning of human life as can *Anthropology*—whose special business it is to study man from the point of view of origins, that is, his antiquity, the beginnings of his faculties as human, and the first stages of his accomplishments as conscious upward effort. Again, from the point of view of *space ralations*, no other study of the "humanities" so broadens the intelligence of man about man as "kind" as does *Ethnology*—whose very essence is the study of all kinds, the understanding of the causes for their varied racial characteristics, for their wondrous distributions, and for their widely varied languages, customs, societies, and religions.

A SCIENCE WITHOUT A PLACE

It is now forty years since Sir Charles Lyell published his *Antiquity of Man.* In that year (1863) the *London Anthropological Society* was formed. Men of science in Paris had founded the since world-renowned *Societé d'Anthropologie* four years before, in 1859, the year in which Darwin's epoch-making *Origin of Species* appeared. Since then a long array of scientific scholarship has elaborated a line of facts and laws strange to men before. Among books of recent years, whose trend and central thoughts are indispensable for up-to-date culture, the following might be mentioned: E. B. Tylor, *Anthropology*; E. B. Tylor, *Primitive Culture*, 2 vols.; A. De Quatrefages, *The Human Species;* A. J. and F. D. Hubertson, *Man and His Work;* P. Topinard, *Anthropology;* Fr. Starr, *Some First Steps in Human Progress;* Fr. Ratzel, *Mankind*, 3 vols.; Fr. Ratzel, *Anthropogeographie;* E. Haeckel, *Natural History of Man;* A. H. Keane, *Ethnology;* A. H. Keane, *Man, Past and Present;* Joseph Deniker, *The Races of Man;* D. G. Brinton, *Races and Peoples;* Edward Clodd, *Story of Creation;* Edward Clodd, *Story of Primitive Man;* Henry Drummond, *Ascent of Man;* Charles Morris, *Man and His Ancestor;* Sir John Lubbock, *Prehistoric Times*, 6th ed.; Sir John Lubbock, *Origin of Civilization:* G. De Mortillet, *Le Prehistorique;* G. F. Wright, *Man and the Glacial Period;* McLean, *Manual of the Antiquity of Man;* T. H. Huxley, *Man's Place in Nature;* R. Wiedersheim, *The Structure of Man;* G. J. Romanes, *Origin of Human Faculty;* O. T. Mason, *Origin of Inventions;* W. J. Hoffmann, *Beginnings of Writing;* E. Grosse, *Beginnings of*

Art; R. Wallaschek, *Primitive Music;* Geddes & Thomson, *Evolution of Sex;* Ch. Letourneau, *Evolution of Marriage and the Family;* J. F. McLennan, *Primitive Marriage;* C. N. Starcke, *The Primitive Family;* Edward Westermarck, *History of Marriage;* A. Sutherland, *Origin and Growth of the Moral Instinct;* Lewis H. Morgan, *Ancient Society.*

"Anthropology is now a well established science," says Professor Putnam of Harvard. To which of the sciences then belongs the task of explaining why this field of knowledge, cultivated so ably and by such eminent workers, has not long ago been adopted, provided for, and unquestionably and efficiently expounded in every curriculum labeled "liberal," "higher," "advanced," or "collegiate" education?

PRACTICAL SUGGESTIONS

For the furtherance of anthropological science within the State and elsewhere, there should now be organized an *Anthropological Academy of Iowa.* It should have a branch in every county and in every important town. It should be founded and maintained for the development of this large field of information and interest which is in no other way adequately cared for.

For the complementation of the opportunities for "liberal education," each university and college should at the earliest possible moment provide from one to several courses in this rich but neglected field.

1. An introductory course in *General Anthropology*, or the Science of Man as a whole, covering also a sketch of the landmarks in the rise of this science.

2. A course in *Iowa Ethnology*, or the Races who have inhabited the State.

3. A course in *Iowa Anthropogeny*, or the Origin of these Races.

4. A course in *General Ethnology*, or the Races of Mankind.

5. *Seminaries* on special questions of paramount importance, instituting *archaeological investigations* in various parts of the State, and undertaking the collection of data for numerous problems awaiting solution.

6. *Museums* should be begun by adding to and developing the present available collections by the work of students, professors, and volunteers.

DUREN J. H. WARD

IOWA CITY, IOWA

LETTERS BY MRS. JAMES W. GRIMES

Contributed by E. M. Nealley

The following letters by Mrs. James W. Grimes were taken from a collection of letters which have been preserved by Mrs. Margaret E. Nealley, whose husband, Joseph B. Nealley, was Mrs. Grimes' brother.

Letter to Mrs. Margaret E. Nealley

Washington, March 7th, '61.

Dear Maggie:

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You know there were great things to be done here which required the most absorbing attention and the most profound skill and wisdom, but I cannot say I have contributed of my *fullness* in these particulars to further this great work of saving our "ship of state" from its dreadful peril. I have believed much in Mr. Lincoln and have waited patiently for his coming, and now I am convinced I have not believed amiss. The good face which inspired the confidence of my heart is inspiring the same trust in thousands here. Such weight is there in plain wisdom and rectitude of purpose, in cleanness of heart and morals! They shine like a glory in this atmosphere. "God bless old Abe!" Oh how my heart of hearts prays it! There was much bitter feeling and anxiety about the formation of the Cabinet, during the process, but the work completed seems to satisfy. All who

approach the President come away with improved feeling toward him, with confidence and respect. He looked well on inauguration day, was very pale as he walked into the Senate Chamber and took his seat by Mr. Buchanan. Ladies sitting by me in the gallery exclaimed, how handsome he is! They had heard quite a different tale, and he looked so much better than they expected to see him that they called him handsome. His inaugural was delivered with great dignity and feeling, and his oath was taken as though he felt its full solemnity. He spoke very slowly, pausing at every sentence. And now we hope for.....[1]

LETTER TO MRS. MARGARET E. NEALLEY

WASHINGTON, Jan. 9th, 1866.

My Dear Sister:

I am all alone this evening, Mr. Grimes having gone to a Committee meeting at the Capitol, and the forms of that faraway mother and of her little child, called of her Moses, rise before me in the deep silence and bid me *write*. But how much pleasanter would it be to me could I come to you in person for a little while and comfort my heart with a real participation in your quiet happiness. I would be still more pleased could you and your husband be with me in our own cheerful rooms here for the evening. I cannot feel quite satisfied not to have you know how things look here where we are spending so much of our lives,—but then it is not for us to be satisfied in any home-sense in a place where we feel that we are only staying for a brief period, mere sojourners, with our dear home in Iowa always in mind. I

[1] The remainder of this letter is missing.

get to feel a real homesickness after being here a few months and am impatient to leave when the spring comes.

We are quite near the White House this winter and pass under the very porch sometimes in coming from the Capitol. We lift our eyes to it without any feeling of awe much less of envy, indeed it seems a place strangely wanting in attractions, as perhaps it would necessarily after the loss from it of such a man as Mr. Lincoln. He drew multitudes about him from the first by the magnetism of his kind heart and by a combination of traits that gave a strange charm to his homely person and conversation.

Mr. Johnson is as yet hardly known by the people, and we hear very little about him, only as we hear discussed here in Washington his views and measures of "Reconstruction," which Congress seems determined to examine a little before adopting. Does not Congress begin business very carefully and promise, at any rate, not to commit the blunder of too great haste in restoring the States that have committed such injury to the country and to themselves by their violent "secession?" There is no unwillingness to deal kindly with them, but there is an anxious desire to know the very best course to pursue. Mr. Grimes says of the Committee, whose business it is to inquire into the condition of the Southern States, that it is a very able Committee. You know the members are chosen from both Houses.

They say we are in a very favorable part of the City this winter for the parties and receptions and gayeties of every description, but I am afraid the devotees of such pleasures will gain nothing by our being here. We find there are

attractions of other kinds here, a society more agreeable to our modest tastes, or moderate tastes I might better say.

We have the *Hawk-Eye* and know of the fairs and concerts and other things of public and general interest transpiring in Burlington. Mr. Salter's people seem fully to have resolved to build a new church; but are they not going to place it too near the Presbyterian? I understand there will be only the space of an alley between them.

I have not been to church or hardly anywhere else as yet this winter, as I have had colds nearly all the time, not very bad but enough so to oblige me to be very careful, and I fear to go to church and sit with cold feet. I wish you could write me but will not insist upon it knowing your many cares. I long to see the baby sometimes and think it very hard to be always such a stranger to him that he will not care anything about me.

I hope you and your husband are well this winter, and that all is well at your father's house.

With love to everyone there and in the country.

Yr. aff. sister,

E. S. Grimes.

Letter to Joseph B. Nealley

Washington, May 13th, 1868.

My Dear Brother:

I suppose you see by the *Tribune* yesterday that Mr. Grimes is "dead," and you have probably learned before this all the particulars of the closing scene. To my mind there is no such evidence of *life* as that of a man's being able in a time like this steadfastly to follow the dictates of

his own clear intellect and his good conscience, — and having taken an oath to do impartial justice in this greatest trial known to our government, to feel bound by it in spite of all such shameless misrepresentations and menaces as those of the *N. Y. Tribune* and other papers. The enclosed is cut from the *N. Y. Evening Post*, which I think will seem to you as the more truthful view of things.

I believe Mr. Grimes' "opinion," which was only partly read in the secret session on Monday, is published in the *Chicago Tribune*. You will have seen it before this reaches you. Mr. Fessenden's and Mr. Trumbull's are longer, and Mr. Grimes says they argue the case more fully, and he thinks their papers very able. We have seen all that is worst in politics in the course of this trial of impeachment. But I cannot begin to tell you in the space of this letter how much we have felt to be involved in it.

Mary and I are packing our trunks to-day, and expect to take leave of Washington next Monday, the 18th. Mr. Grimes will go with us to N. Y.

I hope Maggie and the children are well. I should have written her if I could write letters with ease as some do. When I could write I have written to Matty from an old habit, and you have heard from me occasionally in that way. I have been feeling quite weak this spring, but believe I am gaining a little now. Mr. Grimes is pretty well worn out by this tedious trial—has[1]

[1] The remainder of this letter is missing.

CONGRESSIONAL DISTRICTING IN IOWA

It is the purpose of this paper to outline briefly the history of legislation on the subject of congressional districting in Iowa—pointing out the changes made from time to time, showing by means of maps the exact form and extent of the districts established by the several acts of the General Assembly, and commenting upon the motives and circumstances prompting alterations in the boundaries of these districts.

Prior to 1847 there were no congressional districts in the State. From 1838 to 1846 Iowa existed as a separate Territory, entitled to one Delegate in Congress, who was chosen for a term of two years and who represented the entire territorial area and population.[1] Then came the change incident to statehood. On August 4, 1846, Congress passed an act defining the boundaries of the State of Iowa and providing that, until the next census and apportionment, the new State should be entitled to two seats in the House of Representatives.[2] A State Constitution was adopted, and on December 28, 1846, Iowa entered the Union. The State had not, however, been districted in time for the election of that year; hence the two congressmen were chosen on a general ticket, each to represent the State as a whole.[3] Since that time Iowa congressmen have been elected by districts,

[1] *Laws of Iowa*, 1838, p. 38.

[2] *U. S. Statutes at Large*, Vol. IX, p. 52.

[3] *The Iowa Standard*, Nov. 4, Nov. 11, and Dec. 2, 1846.

and the General Assembly has enacted seven laws respecting the division of the State for this purpose.

THE ACT OF 1847

On December 7, 1846, the State Senate voted that a "select committee of seven" be appointed to "report a bill to the Senate, dividing the State into two congressional districts, so as to include, as nearly as can be done, an equal portion of the territory and an equal portion of the population of the State in each district, and that the vote given in August last for and against the constitution be taken as the basis in dividing the population."[1] This committee reported a bill which was later referred to a selected committee of three from each judicial district.[2] From this body the bill emerged in a somewhat modified form;[3] and, after considerable discussion and amendment both in the Senate[4] and in the House,[5] it became a law, February 22, 1847.[6] This first statute on the subject divided the State into two congressional districts: the *first* was to consist of the counties of Lee, Van Buren, Jefferson, Wapello, Davis, Appanoose, Henry, Mahaska, Monroe, Marion, Jasper, Polk, Keokuk, and the country south of a line drawn from the northwest corner of Polk county west to the Missouri river; the *second* was composed of the counties of Clayton, Dubuque, Delaware, Jackson, Clinton, Jones, Linn, Poweshiek, Benton, Iowa, Johnson, Cedar, Scott, Muscatine, Washington, Louisa,

[1] *Senate Journal*, 1st G. A., p. 31.
[2] *Ibid*, pp. 50, 69.
[3] *Ibid*, p. 109.
[4] *Ibid*, pp. 117-118.
[5] *House Journal*, 1st G. A., pp. 339, 355.
[6] *Laws of Iowa*, 1st Sess., 1st G. A., p. 84.

Des Moines, and all north of a line from the northwest corner of Polk county west to the Missouri.

From the standpoint of area, of population, and of politics, this arrangement seems to have been equitable. Turning to Map I, on which the limits of the two districts are indicated, we see that the dividing line marks off a southern, or *first* district, and a northern, or *second* district, which are fairly regular in outline, but quite unequal in area. This inequality is, however, readily explained in this way. To compensate for the sparse settlement of the northwest, the eastern portion of the boundary line veers to the south so that the comparatively dense population of the southeast may be shared by the second district. In population, on the other hand, the first (and smaller) district leads by more than 2,000;[1] while in voters it outnumbers the second district by about 500.[2] As to politics, each district returned a Democratic majority of a few hundred.[3] But there is little ground for a charge of gerrymander; for, while the Whig minority was large in each case, it was so distributed as to make the formation of even one Whig district[4] impossible, except through the establishment of the most irregular and unnatural boundaries.

[1] Hull's *Historical and Comparative Census of Iowa*, p. 196.

[2] *The Iowa Standard*, Sept. 15, 1847.

[3] *Ibid.*

[4] Whig majorities in 1847 were:—Henry 131, Jasper 38, Mahaska 25, Dallas 7, Clayton 4, Cedar 22, Delaware 20, Jones 2, Scott 13, Muscatine 14, Washington 80, Louisa 103. Total 459.— *The Iowa Standard*, Sept. 15, 1847.

THE ACT OF 1848

Early in January, 1848, a bill was introduced into the House of Representatives providing for the transfer of Poweshiek county from the second congressional district to the first.[1] Apparently without opposition, this measure passed both houses, and on January 24 received the signature of the Governor.[2] Why this transfer was made, is not clear. It is true that on this same January 24 the first law was passed for the organization of the county of Poweshiek,[3] whose boundaries had been fixed a few years before;[4] but this change in the status of the county did not necessitate a change in its relation to the congressional districting of the State. The transfer was not to equalize the population of the two districts; for the census returns for 1847, 1848, and 1849 show that the inhabitants of the first district outnumbered those of the second by several thousand.[5] Nor could the political motive have been weighty; for, while the election returns indicate a decreasing Democratic majority in the first district and an increasing Democratic majority in the second, the Whig majority of *five* in Poweshiek was not sufficient to make any material difference in the political complexion of either district.[6] The chief merit of the law seems to have been that it tended to straighten the dividing

[1] *House Journal*, 1st G. A., Extra Sess., pp. 37, 64.

[2] *House Journal*, 1st G. A., Extra Sess., p. 70; *Senate Journal*, p. 59; *Laws of Iowa*, 1st G. A., Extra Sess., p. 34.

[3] *Laws of Iowa*, 1st G. A., Extra Sess., p. 55.

[4] *Revised Statutes of the Territory of Iowa*, 1842–1843, p. 131.

[5] *House Journal*, 1st G. A., Extra Sess., p. 69; Hull's *Historical and Comparative Census*, pp. 196, 198.

[6] Fairall's *Manual*, 1882, pp. 14, 15.

line and so make the form of the districts more regular. (See Map II).

THE ACT OF 1857

On January 24, 1857, Mr. Foster from the Senate committee on apportionment reported a bill to alter the boundaries of the congressional districts.[1] The measure promptly passed both houses without amendment,[2] and on January 28 became a law. By its terms, three counties (Des Moines, Louisa, and Washington) were detached from the second district and attached to the first.[3] The reasons for this change are not far to seek. In the first place, the population of the second district had been increasing much more rapidly than that of the first. In 1849 the latter had numbered 86,899 inhabitants, while the former had only 68,074; but in 1856 the order of precedence was reversed, since the first district had but 222,120, whereas the population of the second had grown to 285,755.[4] A slight change of boundaries was, therefore, warranted in order to restore equality. Moreover, several circumstances argued in favor of the transfer of the three counties mentioned in the act. It tended to equalize the population of the two districts, and yet guarded against the necessity of a too early readjustment, by giving the first district a slight excess of inhabitants to offset the more rapid increase in the second.[5] Fur-

[1] *Senate Journal*, 6th G. A., p. 450.

[2] *Senate Journal*, 6th G. A., pp. 464, 488; *House Journal*, 6th G. A., pp. 492, 516.

[3] *Laws of Iowa*, 6th G. A., p. 323.

[4] Hull's *Historical and Comparative Census*, p. 196.

[5] *Ibid*, p. 196. By the new arrangement the first district had 262,999 and the second 244,876 inhabitants.

thermore, it served to secure greater regularity in the boundaries and forms of the districts than any other arrangement would have done.[1] But it seems also to have subserved partisan ends. In the congressional election of 1856 the second district returned a Republican majority of 6,017, while the first went Republican by only 955 votes.[2] The second was safe; but no great change of sentiment would be requisite to give the first to the Democrats. The counties of Des Moines, Louisa, and Washington alone had, in 1856, given a majority of 862 for the Republican candidate. This vote could be shifted to the first district; and so, without endangering party success in the northern district, the Republican chances in case of general Democratic gains would be strengthened several fold. The outcome of the election of 1858 vindicated the wisdom of this precautionary step; for the Republican majorities were reduced to 2,739 in the second district and 600 in the first, while the three counties in question were carried by only 499 votes. This last number subtracted from the 600 would have left the dominant party with the uncomfortably narrow margin of 101 in the southern district.[3] The act of 1857 had relieved the Republicans of great anxiety and fortified their success for the future.

THE ACT OF 1862

The census of 1860 revealed marvelous growth on the part of Iowa. During the decade then closing the popula-

[1] See Maps II and III.

[2] Fairall's *Manual*, 1882, p. 21.

[3] *Tipton Advertiser*, Dec. 11, 1858.

tion of the State had increased more than 250 per cent.[1] For the same period the ratio of national representation, fixed by Congress after the taking of each census, had been raised only about 37 per cent.[2] When the new figures for the population of Iowa were divided by the new ratio the result was *five* and a large fraction. Moreover, in 1862 Congress decided to increase the total number of Representatives from 233 to 241, and, in recognition of the fraction above mentioned, to award one of these new representatives to the State of Iowa.[3] Thus the number of seats in Congress to which Iowa was entitled was suddenly increased from two to six. The State was to be redistricted accordingly. This work was promptly taken up by the General Assembly. It was on March 25, 1862, that Mr. Eaton introduced into the House a bill which was speedily passed and presented to the Senate on the very day of its introduction in the House.[4] Here it was referred to the committee on congressional districts, from which it was reported with important amendments. Over this report a spirited discussion arose; numerous additional amendments were suggested and lost; but the bill was finally passed substantially as it came from the Senate committee.[5] Thereupon the House refused to concur in the senate amendments. A committee of conference

[1] Population of Iowa in 1850 was 192,214; in 1860, 674,913.—Hull's *Historical and Comparative Census*, pp. 198–9.

[2] Ratio of representation fixed after the census of 1850 was 93,500; after the census of 1860 it was 127,941.

[3] *U. S. Statutes at Large*, Vol. xii, p. 353. Act of March 4, 1862.

[4] *House Journal*, 9th G. A., p. 692; vote 53 to 22.

[5] *Senate Journal*, 9th G. A., pp. 449, 456, 516, 517, 519, 536; vote 26 to 16.

was chosen by each house, and a compromise measure was agreed upon, which became a law April 5, 1862.[1]

By this act the State was divided into the following six districts: The *first*, consisting of the counties of Lee, Van Buren, Davis, Jefferson, Henry, Des Moines, Louisa, and Washington; the *second*, of Muscatine, Scott, Clinton, Jackson, Cedar, Jones, and Linn; the *third*, of Dubuque, Clayton, Allamakee, Winneshiek, Howard, Mitchell, Buchanan, Floyd, Chickasaw, Bremer, Fayette, and Delaware; the *fourth*, of Appanoose, Monroe, Wapello, Marion, Mahaska, Keokuk, Jasper, Poweshiek, Iowa, Johnson, Tama, and Benton; the *fifth*, of Polk, Dallas, Guthrie, Audubon, Shelby, Harrison, Warren, Madison, Adair, Cass, Pottawattamie, Lucas, Clarke, Union, Adams, Montgomery, Mills, Wayne, Decatur, Ringgold, Taylor, Page, and Fremont; the *sixth*, of Worth, Cerro Gordo, Black Hawk, Grundy, Butler, Franklin, Hardin, Marshall, Story, Hamilton, Wright, Hancock, Winnebago, Boone, Webster, Humboldt, Kossuth, Greene, Calhoun, Pocahontas, Palo Alto, Emmet, Carroll, Sac, Buena Vista, Clay, Dickinson, Crawford, Ida, Cherokee, O'Brien, Osceola, Monona, Woodbury, Plymouth, Sioux, and Buncombe.[2]

The territorial features of this enactment are clearly represented on Map IV. Perhaps the most striking fact in this connection is the great inequality in the size of the districts.

[1] *Senate Journal*, 9th G. A., pp. 550, 564, 580, 586, 595. It is probable that this is the senatorial plan for the six districts which is given in the *Dubuque Weekly Times*, April 10, 1862.

[2] *Laws of Iowa*, 9th G. A., Reg. Sess., p. 182. Buncombe was the original name of Lyon county. The name was changed, December 10, 1862;—see *Laws of Iowa*, 9th G. A., Extra Sess., p. 22.

A vast area, more than half the State, is embraced in two districts; while the sixth district alone occupies more than one-third of the entire Commonwealth. This is suggestive of the unequal distribution of population throughout the State; but the territorial inequality of the districts is by no means commensurate with the inequality in the distribution of population. In fact, the population of the districts varies almost inversely as their areas. The first had 138,032 inhabitants in 1860; the second, 125,036; the third, 128,646; the fourth, 134,895; the fifth, 101,571; and the sixth, 46,732.[1] Had the people of Iowa been divided equally among six districts, made up of contiguous territory, these large districts would have been still larger and, perhaps, would have exceeded the limits consistent with the most serviceable and effective representation. Nor were political considerations lost sight of. The dominant party not unnaturally looked out for its own interests. The population of the several districts was made almost exactly proportionate to the strength of the Democratic opposition in those districts. The success of these party efforts was apparent in the fall of 1862; for, while the Democrats cast more than three-sevenths of the vote of the State, each one of the new districts chose a Republican representative.[2] The distribution of territory

[1] Hull's *Historical and Comparative Census*, p. 197.

[2] Vote for congressmen, in 1862:—

Party	1st Dist.	2nd Dist.	3rd Dist.	4th Dist.	5th Dist.	6th Dist.
Republican.....	12705	12433	12112	12900	10306	5396
Democratic	10486	8930	8452	11520	7346	2755
Rep. Majority.....	2219	3503	3660	1380	2960	2631

—Fairall's *Manual*, 1882, p. 26.

and voters by which this result was accomplished was not, however, especially remarkable or reprehensible; for, while the Democratic vote was strong, it was so distributed as to make the erection of more than one or two Democratic districts (e. g. the first and fourth) impossible without resort to palpable gerrymandering in favor of Democracy.

THE ACT OF 1872

On July 14, 1862, Congress passed a law prescribing that in each State, entitled to more than one representative, the number to which such State should be entitled should be elected *by districts* composed of contiguous territory and equal in number to the number of representatives to which the State should be entitled.[1] Since that time, each federal statute relating to the number and apportionment of representatives in Congress, has re-enacted these provisions and has further specified (1) that the districts in each State shall contain, as nearly as practicable, an equal number of inhabitants, and (2) that, if the number of representatives from any State be increased, the State shall choose a delegate at large until the State legislature shall have re-districted the State.[2]

As Iowa legislation on the subject had hitherto been roughly conformable to these conditions, their enactment into national law had no appreciable effect upon the later laws of the State relating to the congressional districting. It may be of interest, however, to note that the first act

[1] *U. S. Statutes at Large*, Vol. XII, p. 572.

[2] *U. S. Statutes at Large*, Vol. XVII, p. 28; Vol. XXII, p. 5; Vol. XXVI, p. 735.

subsequent to this national regulation was that of 1872. The congressional apportionment act of February 22, 1872, increased the number of representatives assigned to Iowa from six to nine.[1] Even in anticipation of a new apportionment, the Iowa State Senate had appointed a congressional districting committee consisting of one senator from each judicial district, and had later augmented the membership of this committee by three.[2] They reported a bill, which was slightly altered, and, after the failure of numerous other amendments, was passed by the Senate.[3] Upon being submitted to the House, the bill was referred to the committee on congressional districts, was reported favorably, and passed without amendment,[4] but by a strictly party vote, all Democrats voting in the negative.[5]

This act, which was signed by the Governor, April 17, 1872, divided the State into nine districts: the *first* consisting of Lee, VanBuren, Jefferson, Henry, DesMoines, Louisa, and Washington counties; the *second* of Muscatine, Scott, Clinton, Jackson, Jones, and Cedar; the *third*, of Dubuque, Clayton, Allamakee, Winneshiek, Fayette, Buchanan, and Delaware; the *fourth*, of Black Hawk, Bremer, Chickasaw, Howard, Mitchell, Floyd, Butler, Grundy, Hardin, Franklin, Cerro Gordo, Worth, Winnebago, Hancock, and Wright; the *fifth*, of Johnson, Iowa, Poweshiek, Marshall, Tama, Benton, and Linn; the *sixth*, of Davis, Wapello, Keokuk, Mahaska,

[1] *U. S. Statutes at Large*, Vol. XVII, p. 28.

[2] *Senate Journal*, 14th G. A., pp. 13, 35, 44.

[3] *Ibid*, pp. 381, 403; vote, 34 to 7.

[4] *House Journal*, 19th G. A., pp. 519, 549, 591, 688.

[5] *Iowa State Register*, April 17, 1872.

Jasper, Marion, Monroe, and Appanoose; the *seventh*, of Wayne, Decatur, Clarke, Lucas, Warren, Polk, Dallas, Madison, Adair, Guthrie; the *eighth*, of Ringgold, Union, Adams, Taylor, Page, Montgomery, Cass, Audubon, Shelby, Harrison, Pottawattamie, Mills, Fremont; the *ninth*, of Story, Boone, Hamilton, Webster, Humboldt, Kossuth, Crocker,[1] Emmet, Palo Alto, Pocahontas, Calhoun, Greene, Carroll, Sac, Buena Vista, Clay, Dickinson, Osceola, O'Brien, Cherokee, Ida, Crawford, Monona, Plymouth, Sioux, Lyon, and Woodbury.[2]

The following table shows the population and the political complexion of each district:

Number of District	Population[3] 1870	Republican[4] Vote 1872	Democratic[4] Vote 1872	Republican[4] Majority 1872
1st District.....	153269	15149	10961	4188
2nd District.....	157725	12521	12346	175
3rd District.....	159617	13654	11774	1880
4th District.....	118385	15615	4574	11041
5th District.....	144364	15531	7434	8097
6th District.....	155585	14638	11703	2935
7th District.....	125211	14909	7702	7207
8th District.....	94121	12675	6999	5676
9th District.....	85743	12402	6152	6250
Total.....	1194020	127094	79645	47449

[1] May 13, 1870, a law was enacted erecting the northernmost townships of Kossuth county into a separate county known as Crocker.— See *Laws of Iowa*, 13th G. A., p. 239. But on December 11, 1871, the Supreme Court declared the law unconstitutional on the ground that these townships did not contain the minimum area required for a county erected under the Constitution of the State.— Stiles Reports, XII, 16 (old series); XXXIII, 16 (new series).

[2] *Laws of Iowa*, 14th G. A., Reg. Sess., p. 63.

[3] Hull's *Historical and Comparative Census*, pp. 197–9.

[4] *Census of Iowa*, 1873, p. 80; vote for congressmen.

From Map V, it will be seen that these districts were reasonably regular and that the grouping of counties was fairly convenient from a territorial point of view; while variation in extent of districts was naturally much less striking than before.

The case in 1872 closely paralleled that of 1862. Congress had made a new apportionment in accordance with a new census. Iowa's representation had been increased. The Republicans were in control of the State, and sought to secure the new districts as well as the old. The Democrats still cast about two-fifths of the votes of the State. The formation of a few Democratic districts would have been easy,[1] but convenience and regularity of districting did not demand it. The Republicans lived up to all their opportunities. As in 1862, population was made to vary directly as the strength of Democratic opposition. Eastern districts were made the more populous, and at the first election after the new apportionment all the districts returned Republican majorities. But in 1872 the second district was carried by the narrow margin of only 175 votes,[2] and in 1874 the third went Democratic by 63 votes.[3]

Early in 1878 a majority of the Iowa house committee on congressional districts reported favorably a bill for the redistricting of the State.[4] The minority, however, protested

[1] The second, for example, by transferring Cedar or Jones (each with about 1400 Republican majority) to the fifth district.—*Census of Iowa*, 1873, pp. 75–76.

[2] *Census of Iowa*, 1873, p. 80.

[3] Fairall's *Manual*, 1882, p. 40.

[4] *House Journal*, 17th G. A., pp. 414, 444.

on two grounds: (1) that the census of 1880 would soon lead to a reorganization of the districts and would probably increase the number alloted to Iowa; (2) that the proposed changes were unwise and unjustifiable since they affected only the third and fourth districts and destroyed the symmetry of both, making both reach from the Mississippi far westward in narrow strips of twenty-four by a hundred and seventy-five.[1] Nothing ever came of this proposition, which was evidently an attempt to divide the Democratic vote of the northeastern part of the State in such a way as to make the dubious third district securely Republican.

THE ACT OF 1882

In accordance with the census of 1882, Iowa's quota of representatives was increased to eleven. The new apportionment bill was enacted February 25, 1882.[2] Immediately the question of redistricting the State was taken up in earnest by the General Assembly and the press. Within two weeks nearly a dozen plans had been published in the *State Register* alone,[3] and no less than four distinct bills had been introduced in the Senate,[4] and three in the House.[5] In each house these proposals were referred to the proper committee, which, in each case, reported a substitute for the numerous measures submitted.[6] The two houses passed their respec-

[1] *House Journal*, 17th G. A., p. 461.

[2] *U. S. Statutes at Large*, Vol. XXII, p. 5.

[3] February 18, 22, 23, 24, 25, 26, March. 1.

[4] *Senate Journal*, 19th G. A., pp. 239, 260, 288, 337.

[5] *House Journal*, 19th G. A., pp. 324, 355.

[6] *Senate Journal*, 19th G. A., pp. 239, 260, 292, 337, 365; *House Journal*, 19th G. A., 324, 355, 479.

tive substitutes almost simultaneously and, on the same day, March 14, each was notified of the action of the other.[1] In the House, the senate substitute was referred to the committee on congressional districts.[2] In the Senate, the house substitute was so amended as to change radically the composition and boundaries of the western districts.[3] The House refused to concur in these amendments;[4] the Senate refused to recede from its position; and a committee of conference was decided upon.[5] This committee agreed upon a slightly modified form of the Senate measure,[6] and their report was adopted by both houses,[7] submitted to the Governor, and on March 23 became a law.

The arrangement was as follows: *first* district, made up of the counties of Lee, Des Moines, Henry, Van Buren, Jefferson, Washington, and Louisa; the *second*, of Jones, Jackson, Clinton, Cedar, Scott, and Muscatine; the *third*, of Dubuque, Delaware, Buchanan, Black Hawk, Bremer, Butler, and Grundy; the *fourth*, of Clayton, Fayette, Winneshiek, Allamakee, Howard, Mitchell, Floyd, and Chickasaw; the *fifth*, of Marshall, Tama, Benton, Linn, Johnson, and

[1] *Senate Journal*, 19th G. A., pp. 403–405, 428; *House Journal*, 19th G. A., p. 520.

[2] *House Journal*, 19th G. A., p. 526.

[3] *Senate Journal*, 19th G. A., p. 446.

[4] *House Journal*, pp. 561, 562.

[5] *Ibid*, pp. 578, 579, 584.

[6] *Ibid*, p. 599; *Senate Journal*, p. 496; *State Register*, March 17, 1882. Audubon was changed from the 7th to the 9th district; Kossuth from the 11th to the 10th; Monona from the 9th to the 11th.

[7] *House Journal*, 19th G. A., pp. 599, 600, 604; *Senate Journal*, p. 497

Iowa; the *sixth*, of Jasper, Poweshiek, Mahaska, Monroe, Wapello, Keokuk, and Davis; the *seventh*, of Guthrie, Dallas, Polk, Adair, Madison, Warren, and Marion; the *eighth*, of Clarke, Lucas, Ringgold, Decatur, Wayne, Appanoose, Union, Adams, Page, and Taylor; the *ninth*, of Pottawattamie, Cass, Mills, Audubon, Crawford, Montgomery, Shelby, Fremont, and Harrison; the *tenth*, of Boone, Story, Hardin, Hamilton, Webster, Franklin, Wright, Humboldt, Hancock, Cerro Gordo, Worth, Winnebago, and Kossuth; and the *eleventh*, of Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Plymouth, Cherokee, Buena Vista, Pocahontas, Woodbury, Ida, Sac, Calhoun, Monona, Carroll, and Greene.[1]

According to the census of 1880, the population was now somewhat more evenly distributed than by any previous arrangement, the first district having 156,972 inhabitants, the second, 164,958, the third, 144,418, the fourth, 149,227, the fifth, 152,112, the sixth, 146,831, the seventh, 147,125, the eighth, 148,397, the ninth, 153,683, the tenth, 137,368, and the eleventh, 121,534.[2] But territorially the districts of 1882 compare less favorably. On Map VI the long, slim figures of the third and the eighth, and the ragged outlines of the sixth especially arrest our attention. Further examination of the situation shows that these irregular boundaries are the result of an attempt to render harmless the Democratic and Greenback opposition of the east and south. Apparently this object had been accomplished; for on the basis of the election returns of 1880 each of the eleven new

[1] *Laws of Iowa*, 19th G. A., Reg. Sess., p. 150.

[2] Hull's *Historical and Comparative Census*, pp. 196–7.

districts was Republican by several thousand.[1] But this sweeping triumph was only apparent. In the fall of 1882, the Democrats carried three Districts (the second, fourth, and ninth), while the fifth gave a Republican majority of only twenty-three.[2] The political weakness of this grouping was further demonstrated in 1884, when the second, fifth, and sixth districts went Democratic, and the vote in the first, fourth, and ninth was very close.[3] The climax, however, was reached in 1885, when in the State election the Fusionists carried six of the congressional districts (the first, second, third, fifth, sixth, and ninth); while the Republicans carried only five districts (the fourth, seventh, eighth, tenth, and eleventh).[4]

Early in March, 1886, Republican newspapers and legislators began the vigorous agitation of the question of reorganizing the congressional districts of the State. No additions had been made to Iowa's representation in Congress; no new apportionment bill had been passed at all. But the press advocated redistricting on several grounds: (1) that the increase in population since the last apportionment had disturbed the equality then established, and so wrought manifest injustice as among the different districts; (2) that Iowa was a Republican State and should have a Republican delegation in Congress, but under the present arrangement Democrats were likely to fill a large percentage of her seats

[1] Fairall's, *Manual*, 1882, p. 49–51.

[2] *Ibid*, pp. 58–59.

[3] *Ibid*, 1885, p. 34.

[4] *Census of Iowa*, 1885, p. 356–397; *Iowa Official Register*, 1886, p. 82.

in the national legislature;[1] (3) that redistricting in the interests of a stronger Republican delegation from Iowa was especially desirable at that time, when the Republicans had a reasonable hope of gaining control of the next Congress.[2] The relative importance of these arguments is not difficult to determine. While the shifting of population was a matter to be taken into consideration after a redistricting had been decided upon, it alone was not of sufficient importance to warrant a reorganization so soon. In fact the inequalities were less notable than immediately after the passage of earlier redistricting acts.[3] The paramount consideration was political. This the press was free to acknowledge, and in answer to Democratic criticism was cited the disfranchisement of the negro in the South.[4]

THE ACT OF 1886

Separate bills for the redivision of the State were early introduced into the two branches of the General Assembly.[5] The senate measure was reported favorably from the com-

[1] *Iowa State Register*, March 5, 1886 (From *Dallas County News*).

[2] *Ibid*, March 17, 1886; March 30, 1886.

[3] A comparative table may be serviceable.

No. of District	1862	1872	1882	1885
1st District	138032	153269	156972	150214
2nd District	125036	157725	164958	165262
3rd District	128646	159617	144418	146195
4th District	134895	119385	149227	141681
5th District	101571	126788	152112	152516
6th District	46732	155585	146831	147209
7th District		125211	147125	160025
8th District		94117	148397	151967
9th District		75743	153683	173258
10th District			137368	164806
11th District			121534	200849

— See Hull's *Historical and Comparative Census*, pp. 196–200; also *Census of Iowa*, 1888, pp. 1–81.

[4] *Iowa State Register*, March 6, March 17, April 10, 1886.

[5] *Senate Journal*, 21st, G. A., p. 296; *House Journal*, p. 324.

mittee on congressional districts;[1] but during the discussion a substitute was offered[2] which was promptly accepted by the House[3] and, on April 10, received the signature of the Governor.[4] In the words of the *State Register*, "The measure had the support of a strong majority, but was opposed by some of the strongest and best Republicans in the House."[5]

This act apportioned the counties as follows: the *first* district, Washington, Louisa, Jefferson, Henry, Des Moines, Lee, and Van Buren; the *second*, Muscatine, Scott, Clinton, Jackson, Johnson, and Iowa; the *third*, Dubuque, Delaware, Buchanan, Black Hawk, Bremer, Butler, Franklin, Hardin, and Wright; the *fourth*, Clayton, Allamakee, Fayette, Winneshiek, Howard, Chickasaw, Floyd, Mitchell, Worth, and Cerro Gordo; the *fifth*, Jones, Linn, Benton, Tama, Marshall, Grundy, and Cedar; the *sixth*, Davis, Wapello, Keokuk, Mahaska, Poweshiek, Monroe, and Jasper; the *seventh*, Story, Dallas, Polk, Madison, Warren, and Marion; the *eighth*, Adams, Union, Clarke, Lucas, Page, Appanoose, Wayne, Decatur, Ringgold, Taylor, and Fremont; the *ninth*, Harrison, Shelby, Audubon, Guthrie, Pottawattamie, Cass, Adair, Mills, and Montgomery; the *tenth*, Crawford, Carroll, Greene, Boone, Calhoun, Webster, Hamilton, Pocahontas, Humboldt, Palo Alto, Kossuth, Hancock, Emmet, and Winnebago; and the *eleventh*, Lyon, Osceola, Dickinson, Sioux, O'Brien, Clay, Plymouth, Cherokee, Buena Vista, Woodbury, Ida, Sac, and Monona.[6]

[1] *Senate Journal*, p. 404.
[2] *Ibid*, pp. 688, 707, 736.
[3] *House Journal*, pp. 721, 744.
[4] *Senate Journal*, pp. 766, 773.
[5] April 10, 1886.
[6] *Laws of Iowa*, 21st G. A., Reg. Sess., p. 180.

The first district remained unchanged. Slightly Democratic in 1885 and surrounded by Democratic counties, it could not well be transformed into a sure Republican district. The odd new second district was formed by taking the Republican counties of Cedar and Jones away from the old second and replacing them by the strongly Democratic counties of Johnson and Iowa, thus adding nearly 1600 votes to the already heavy Democratic majority of the district, while a 500 Republican majority was released for use where it could be used to advantage. The elongated third and fourth were stretched still farther westward so as to include enough Republican counties to counteract the Democratic influence of Dubuque, Clayton, Allamakee and Fayette. Both were now unmistakably Republican. From the remnants of the old second, third, and fifth was pieced together a long new fifth, solidly Republican. The doubtful sixth remained unchanged, although various suggestions had been made with a view to assuring it to the dominant party.[1] The seventh lost Guthrie and Adair, gained Story and remained decidedly Republican. The eighth gained the Democratic county of Fremont, which its vigorous Republicanism readily assimilated. The ninth lost Democratic Fremont and Crawford and gained Republican Adair and Guthrie, and so became Republican by a small majority. The tenth exchanged Republican Worth, Cerro Gordo, Franklin, Wright, Hardin and Story for Democratic Crawford and Carroll and Republican Greene, Palo Alto, Pocahontas, Calhoun and Emmet, thus retaining its position beside the

[1] *Ottumwa Democrat*, April 11, March 5, 1886; *Iowa State Register*, March 6, 1886.

depleted eleventh as an overwhelmingly Republican district. According, then, to the vote of 1885, eight of the new districts were Republican and three Democratic. Since that time various changes have taken place in the political sentiments of the voters in these several groups of counties.[1] In 1888 the Democrats lost two of their districts; in 1890 they succeeded in electing five congressmen; in 1892 they returned but one representative to Congress; while from 1894 to 1902 they failed to carry a single district. In the campaign of 1902, Judge M. J. Wade (Democrat of the second district) succeeded in breaking into the Iowa delegation. From time to time, bills have been introduced into the General Assembly for the reorganization of these congressional districts; but all have come to nought. It is the arrangement of 1886 which obtains to-day and which gives to the State of Iowa one Democratic and ten Republican representatives in the American Congress.

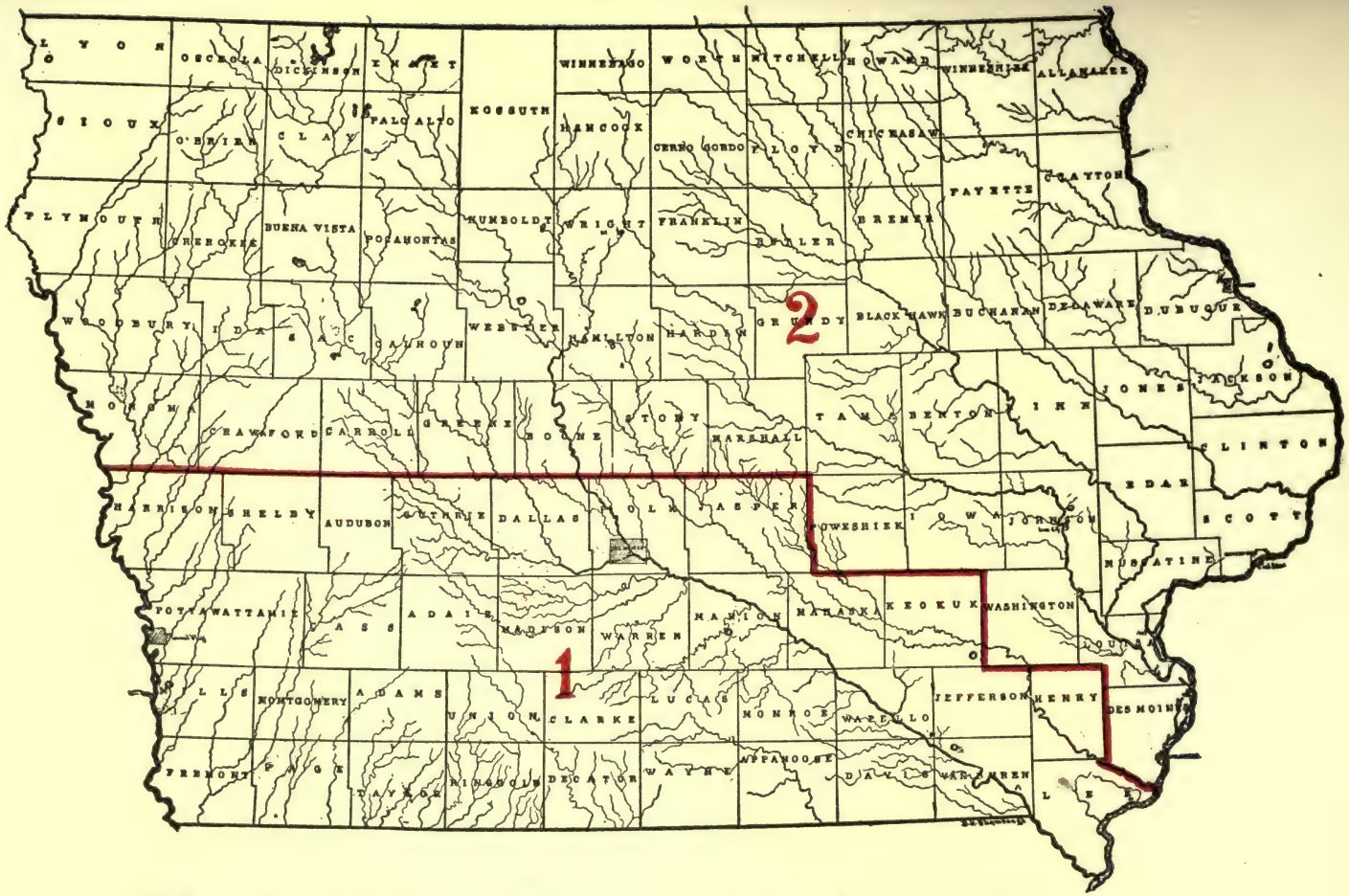
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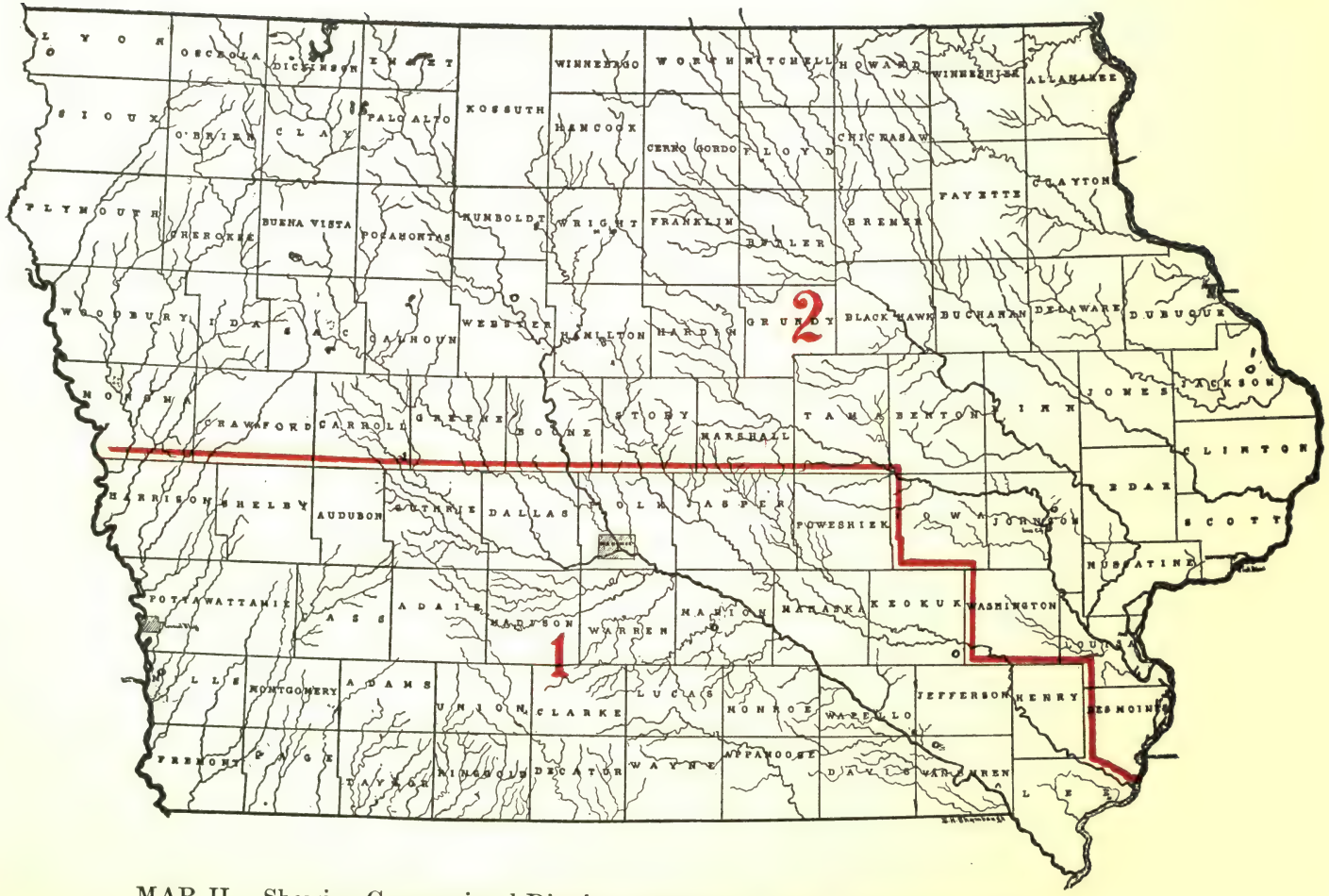
[1] This table gives the pluralities in each congressional district since the last districting. Democratic pluralities are marked D; Republican, R.

No. of Dist.	1886	1888	1890	1892	1894	1896	1898	1900	1902
1st District	R 1037	R 874	D 1071	R 629	R 3836	R 3295	R 3249	R 3368	R 1923
2nd District	D 7300	D 5032	D 9010	D 7772	R 436	R 3320	R 1282	R 1465	D 1158
3rd District	R 2929	R 4585	R 198	R 1459	R 1459	R 10423	R 7019	R 11325	R 5539
4th District	R 1930	R 2222	D 1949	R 1590	R 1590	R 8868	R 7619	R 10863	R 5023
5th District	R 733	R 2516	R 293	R 1098	R 5774	R 7368	R 5365	R 8858	R 5783
6th District	D 618	R 828	D 1520	R 1175	R 6836	R 1201	R 1471	R 3144	R 1813
7th District	R 926	R 5397	R 2545	R 6080	R 7225	R 6226	R 7652	R 12143	R 9123
8th District	D 2225	R 995	R 116	R 4331	R 4134	R 827	R 3824	R 5451	R 6861
9th District	R 2206	R 3694	D 1343	R 2478	R 3057	R 2382	R 4492	R 6948	R 7358
10th District	R 3899	R 5368	R 1311	R 4944	R 14357	R 10968	R 7403	R 15936	R 12774
11th District	R 4437	R 6259	R 907	R 1277	R 9981	R 6828	R 6283	R 12152	R 9133

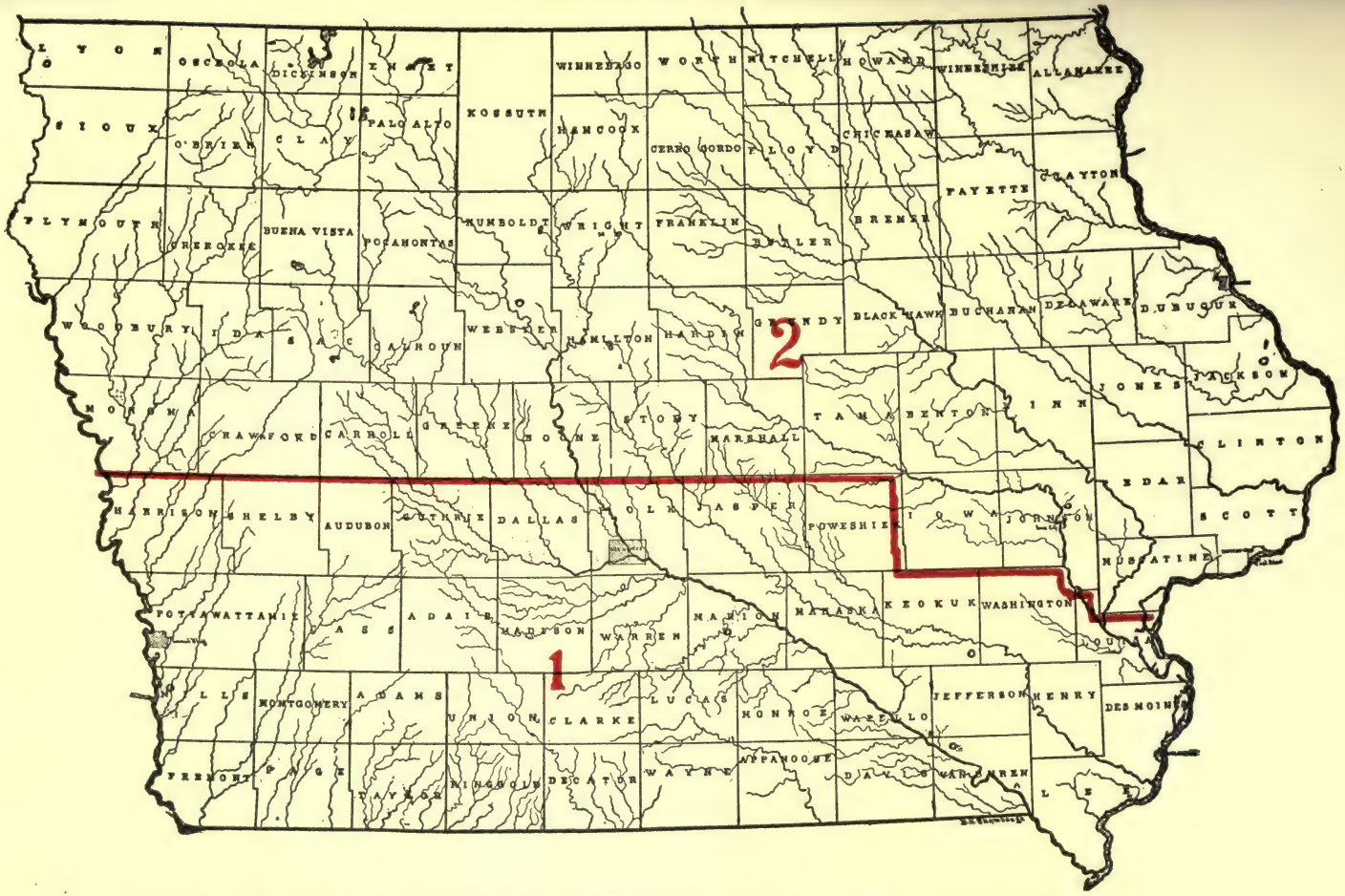
—From *Iowa Official Registers.*



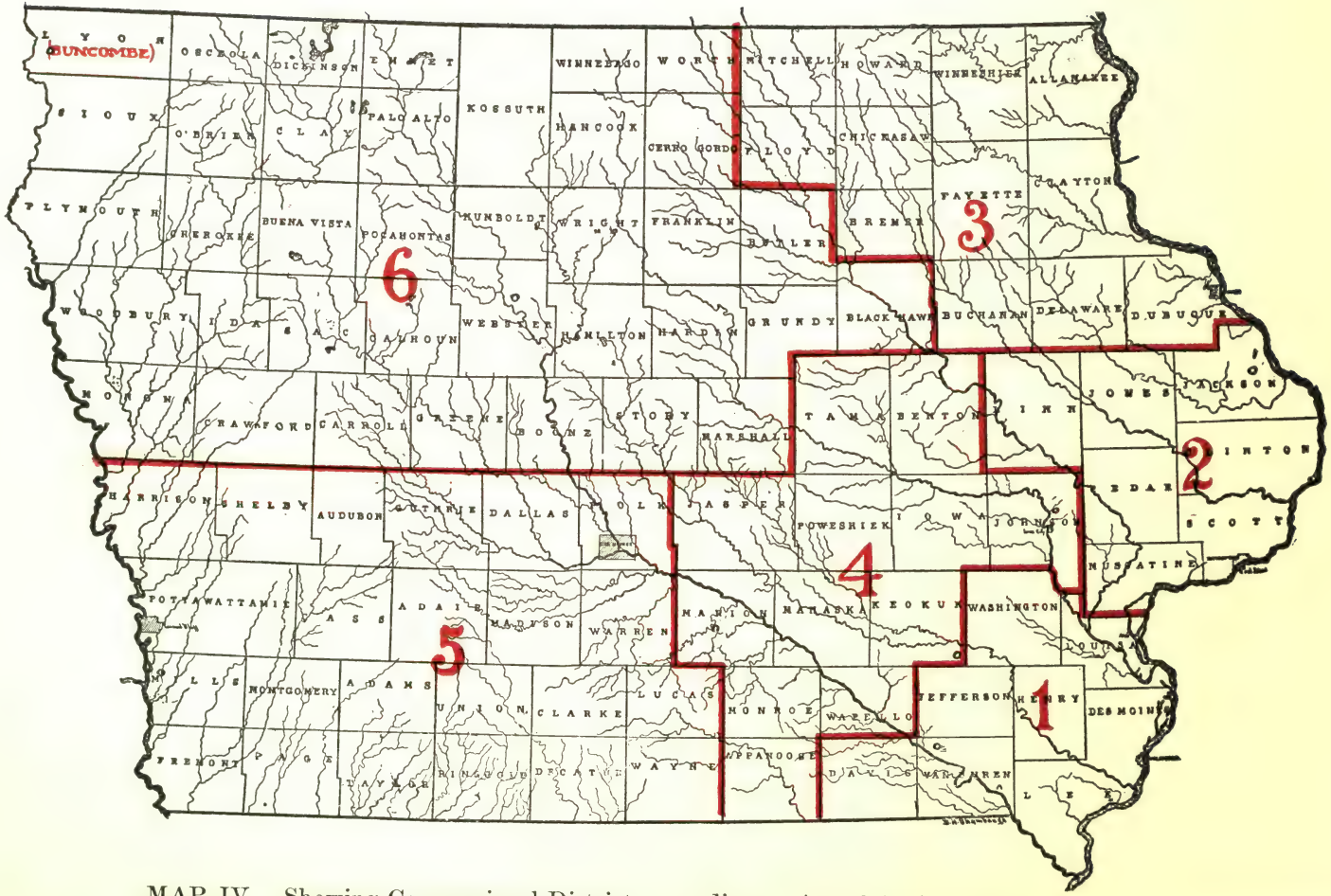
MAP I. Showing Congressional Districts according to Act of February 22, 1847



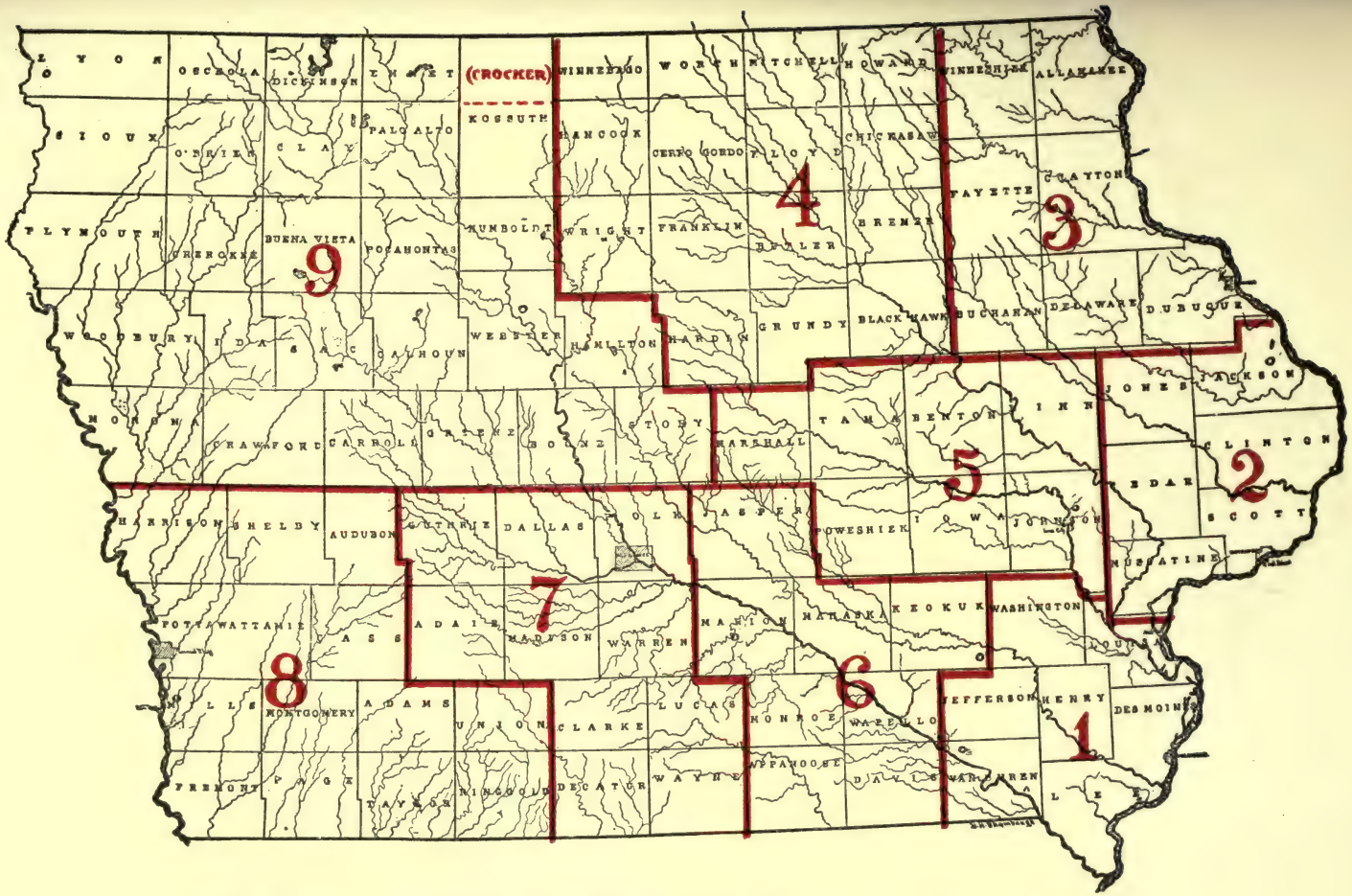
MAP II. Showing Congressional Districts according to Act of January 24, 1848



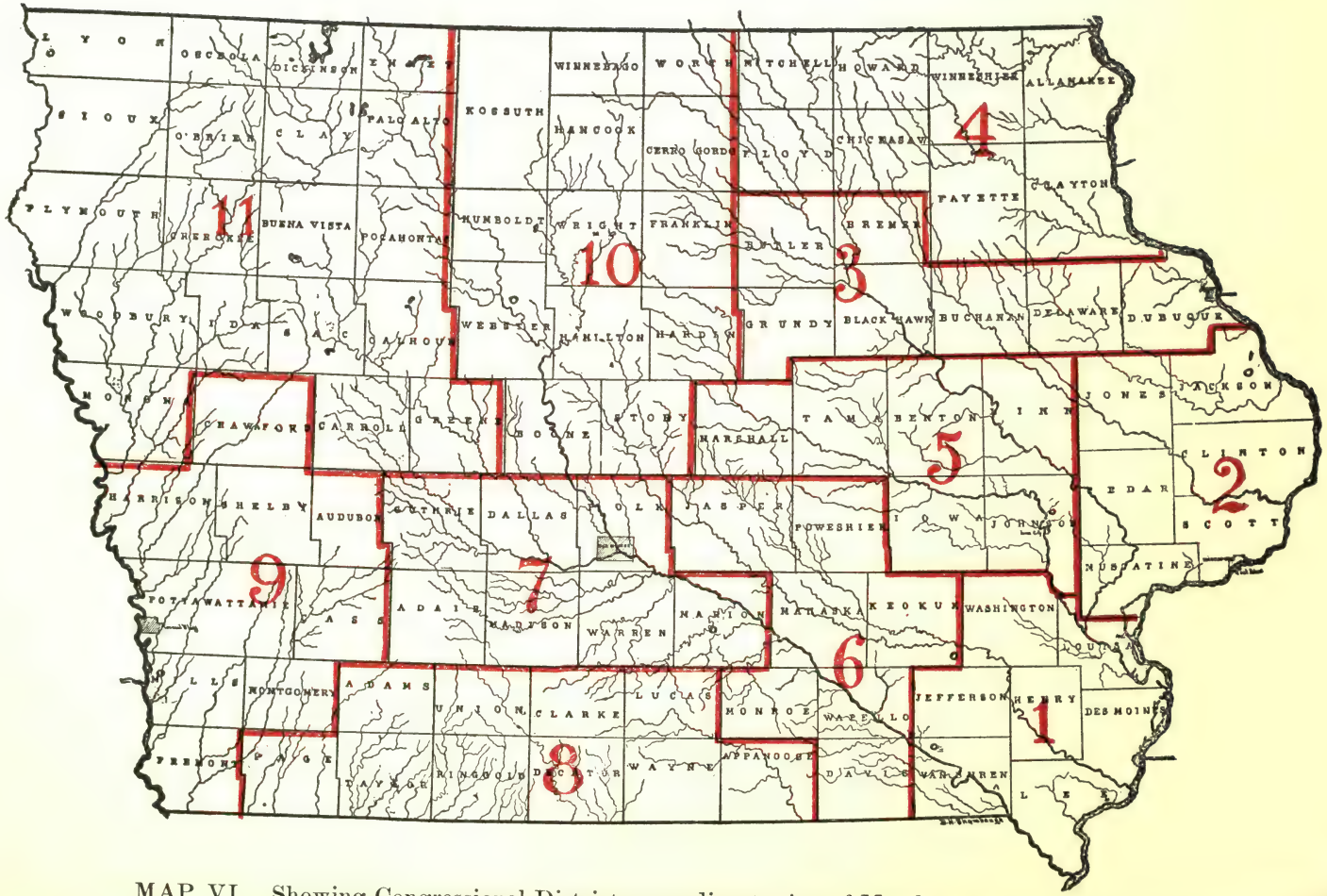
MAP III. Showing Congressional Districts according to Act of January 28, 1857



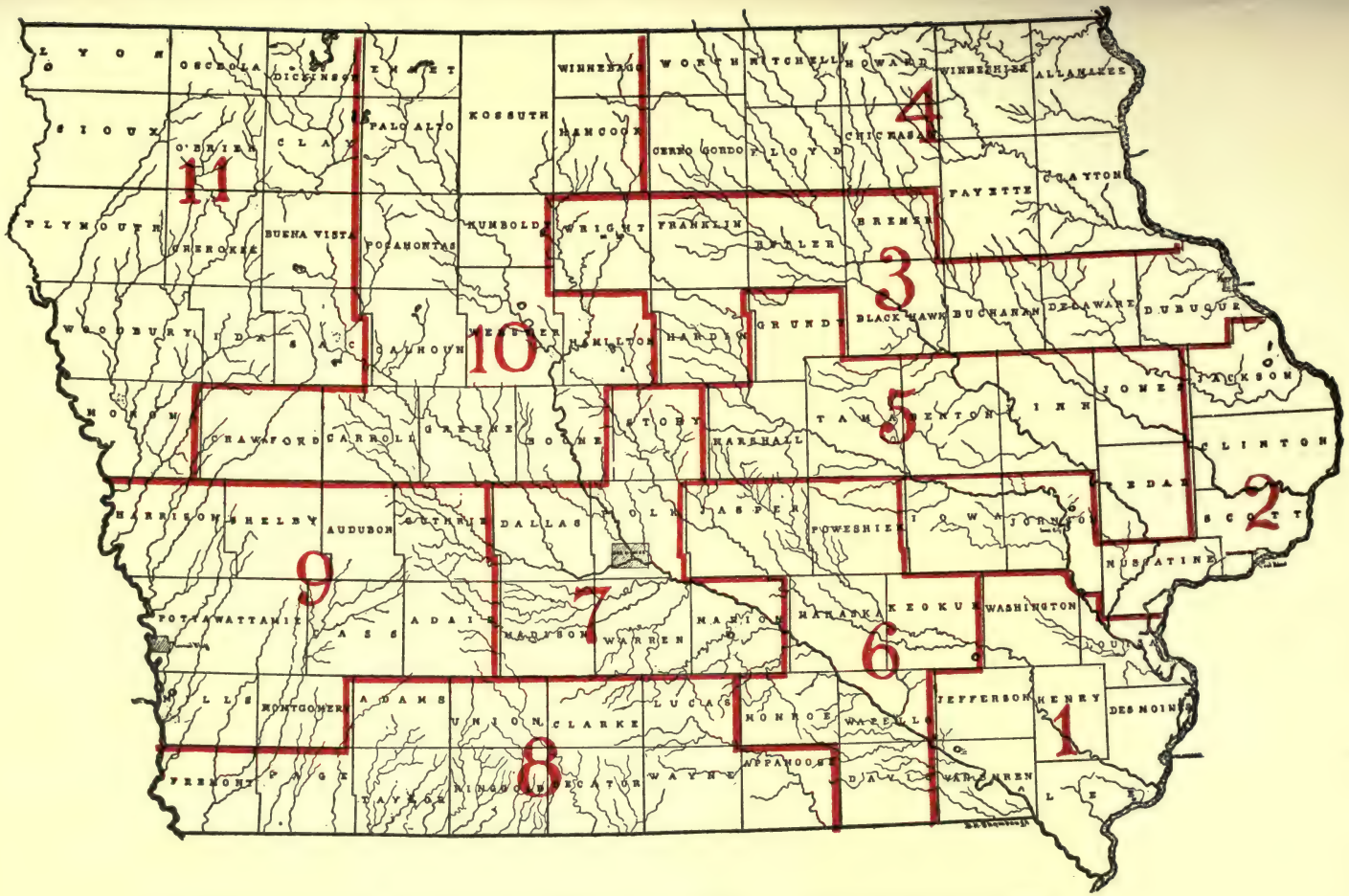
MAP IV. Showing Congressional Districts according to Act of April 8, 1862



MAP V. Showing Congressional Districts according to Act of April 17, 1872



MAP VI. Showing Congressional Districts according to Act of March 23, 1882



MAP VII. Showing Congressional Districts according to Act of April 10, 1886

A BIBLIOGRAPHY OF IOWA STATE PUBLICATIONS FOR 1900 AND 1901

INTRODUCTION

The growing appreciation in late years of the historical value of the United States documents, together with a more general use of the "source method" in the study and teaching of history, has awakened a keener interest in the publications of the several States. It has been discovered that these publications contain a wealth of information—historical, political, scientific, and statistical—which is indispensable to the student of State and local history. And to those students of our national history who have accepted the view that State history is an essential part of American history, supplementing at almost every point the annals of the nation, these same publications are equally indispensable. For a confirmation of this, it is necessary only to mention such State publications as the following: statute laws; legislative journals; legislative documents; official registers; supreme court reports; and the reports of the several administrative departments, the boards of health, the railroad commissioners, the bureaus of labor statistics, the State institutions, and the various special commissions. Apart from the immediate practical purpose for which all of these documents are published by the State, they become in time invaluable to the historian for the light which they throw upon the social, political, and economic history of the State and nation.

But in many of the States this valuable data has too often been inaccessible owing to incomplete or inadequate bibliographical records. Recently in several States bibliographies have been compiled; but in Iowa no regular or complete bibliography of State publications has yet been published. It is hoped that the list given below for the years 1900 and 1901 may be the beginning of a series which will eventually appear as a reasonably complete bibliography of all publications issued by the State of Iowa from its organization in 1846.

The difficulties in the way of compiling such a bibliography are very great. Completeness can hardly be expected. It will be found impossible to secure all of the pamphlets and miscellaneous documents which were published in earlier days when few efforts were made to preserve State publications for their historical value. No adequate provision seems to have been made by the State for their permanent preservation. Many of the administrative departments do not have in their offices in the capitol complete files of their own publications. This is true even of the last biennial period. These conditions make the compilation of a bibliography all the more necessary, so that at least a record of our State publications may be preserved.

There is one quarter in particular in which a bibliography of our State publications should be welcomed. I refer to the public libraries of the State. Many of these libraries are now in their infancy, and few have been able to undertake the collection and preservation even of the more valuable of the State publications. But in time the public will demand that these libraries become depositories of at least

the more important State documents and publications. A reliable and reasonably complete bibliography will then become indispensable to the public libraries as a check list.

The plan followed in the compilation of this bibliography is a simple alphabetical list of the departments, institutions, etc., each with its publications. In each case the title page of the publication is exactly quoted. The typography of titles and title pages is such as to make the problem of capitalization a difficult one in any bibliography. There is, perhaps, no system of rules with regard to capitalization which can satisfactorily be followed in quoting titles of publications. In this bibliography the usual library rules are followed, and capitals are avoided wherever practicable. The division of titles into lines on the title page is indicated by the insertion of uprights. Abbreviations used in describing the publications are as follows:

S. sixteenmo	p. pages	v. p. various paging
D. duodecimo	cl. cloth	illus. illustrations
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Margaret Budington

The State Historical Society of Iowa
Iowa City

BIBLIOGRAPHY

ACADEMY OF SCIENCES

Proceedings | of the | Iowa academy of sciences | for 1900. | Volume 8. | Edited by the secretary. | Published by the state. | Des Moines: | B. Murphy, state printer. | 1901. |

278 p. pl. O. cl.

Contents: Official directory. Constitution of the Academy. Members of the Academy. Proceedings of the fifteenth annual session. President's address, by W. H. Norton. Review of the Tettigonidæ of North America north of Mexico, by E. D. Ball. Morphology and function of the amphibian ear, by H. W. Norris. Combination of chromic acid, acetic acid and formaline as a fixitive for animal tissues, by H. W. Norris. Note on the time of sexual maturity in certain Unios, by H. M. Kelly. Influence of chlorine as chlorides in the determination of oxygen consumed in the analysis of water, by J. B. Weems and H. N. Grettenberg. Diphenyl ether derivatives, by Alfred N. Cook. Some recent analyses of Iowa building stones, also of potable waters, by Nicholas Knight. Contribution to the study of reversible reactions, by W. N. Stull. Depositional equivalent of hiatus at base of our coal measures; and the Arkansan series, a new terrane of the Carboniferous in the Western Interior Basin, by Charles R. Keyes. Names of coals west of the Mississippi river, by Charles R. Keyes. Volcanic necks of Piatigorsk, Southern Russia, by Charles R. Keyes. Comparison of media for the quantitative estimation of bacteria in milk, by C. H. Eckles. Method of isolating and counting gas producing bacteria in milk, by C. H. Eckles. Total solar eclipse of May 28, 1900, by David E. Hadden. Preliminary list of the flowering plants of Adair county, by James E. Gow. Juglandaceæ of Iowa, by T. J. and M. F. L. Fitzpatrick. Betulaceæ of Iowa, by T. J. and M. F. L. Fitzpatrick. Fagaceæ of Iowa, by T. J. and M. F. L. Fitzpatrick. Shrubs and trees of Madison county, by H. A. Mueller. Terrace formation in the Turkey river valley in Fayette county, Iowa, by G. E. Finch. Pure food laws, by C. O. Bates. Notes on the early development of Astragalus caryocarpus, by F. W. Faurot. Thistles of Iowa, with notes on a few other species, by L. H. Pammel. Bacteriological investigation of the Iowa state college sewage, by L. R. Walker. Notes on the bacteriological analysis of water, by L. H. Pammel. Drift exposure in Tama county, by T. E. Savage.

Proceedings | of the | Iowa academy of sciences | for 1901. | Volume 9. | Edited by the secretary. | Published by the state. | Des Moines: | B. Murphy, state printer. | 1902. |

244 p. O. pl. cl.

Contents: Officers of the Academy. Members of the Academy. Proceedings of the sixteenth annual session. Presidential address, by A. A. Veblen. Some improved laboratory devices and apparatus, by A. A. Veblen. Study in the hereditary transmission of finger patterns, by A. A. Veblen. Factors of extinction, by Herbert Osborn. Forestry in Iowa, by B. Shimek. Analyses of certain clays used for making paving brick for Cedar Rapids, by C. O. Bates. Sanitary analy-

sis of some Iowa deep well waters, by J. B. Weems. Chemical composition of sewage of the Iowa state college sewage plant, by J. B. Weems, J. C. Brown, and E. C. Myers. Menke's method of preparing hyponitrites, by Alfred N. Cook. Calcium carbide as a dehydrating agent for alcohols, by Alfred N. Cook and Arthur L. Haines. Sioux City water supply, by Alfred N. Cook and C. F. Eberly. Igneous rocks of the Central Caucasus, and the work of Loewinson-Lessing, by Charles R. Keyes. Evidences of recent uprisings of the shores of the Black Sea, by Charles R. Keyes. Devonian hiatus in the continental interior—its character and depositional equivalents, by Charles R. Keyes. Paroxymetamethylacetophenone and some of its derivatives, by J. G. Goodwin. On the occurrence of rhizopods in the Pella beds in Iowa, by J. A. Udden. Pleuroptyx in Iowa coal measures, by J. A. Udden. University of Montana biological station, by Maurice Ricker. A large red hydra, by Maurice Ricker. Some new double bromides and their dissociation in aqueous solution, by Nicholas Knight. Vascular cryptogams of Iowa and the adjoining parts of southeastern Minnesota and western Wisconsin, by L. H. Pammel and Charlotte M. King. Preliminary notes on the flora of western Iowa, especially from the physiographical ecological standpoint, by L. H. Pammel. Ruling engine for making zone plates, by W. M. Boehm. List of plants collected in Lee county, Florida, by A. S. Hitchcock. Ustilaginæ of Iowa, by H. H. Hume.

ADJUTANT GENERAL

Report | of the | adjutant-general | to the | governor | of the | state of Iowa | for biennial period ending November 30, 1901 | Printed by order of the General assembly | Des Moines | B. Murphy, state printer | 1900. |

101 + 147 p. O. cl.

Contained also in the set of Iowa documents, 1902, vol. 2.

AGRICULTURAL DEPARTMENT

The | Iowa year book of agriculture | issued by the Iowa department of agricul | ture, succeeding the forty-sixth | annual report of the Iowa state | agricultural society. | Containing information for the closing year of the Iowa state | agricultural society, legislated out of existence by | chapter 58, Acts of the twenty-eighth General | assembly, the act establishing the Iowa | department of agriculture. | Also | Report of the Iowa | state fair | for the year 1900. | Full report of the State farmers' institute for the year 1900; State | agricultural convention for the year 1900; meeting of the State | board of agriculture; report of meeting of State fair | managers, with extracts from the report of the Iowa | state dairy commissioner, State dairy association, | Iowa

agricultural experiment station, Iowa | weather and crop service, Improved | stock breeders' association; also, papers | read at county farmers' institutes, | reports of local, county and | district fairs, statistics and | other things of interest. | Edited by | G. H. Van Houten, secretary of agriculture. | Des Moines. | B. Murphy, state printer. | 1901. |

675 p. por. pl. O. cl.

The | Iowa year book of agriculture | issued by the Iowa department of agriculture | containing | full report of the State farmers' institute for the year 1901; State | agricultural convention for the year 1901; meeting of the State | board of agriculture; report of meeting of State fair managers, with extracts from the report of the Iowa | state dairy commissioner, State dairy association, | Iowa agricultural experiment station, Iowa | weather and crop service, Improved | stock breeders' association; also, papers | read at county farmers' institutes, | reports of local county and | district fairs, statistics and | other things of interest. | Also | report of the Iowa state fair for the year 1901 | Edited by | J. C. Simpson, | secretary State board of agriculture. | Des Moines. | B. Murphy, state printer. | 1902. |

667 p. por. pl. O. cl.

Iowa state fair catalogue | containing | rules and premium list | for the | forty-sixth annual exhibition | under the auspices of the | State board of agriculture | to be held at | Des Moines, Iowa, | the capital and great railway center of the state, | Friday–Saturday–Sunday–Monday–Tuesday–Wednesday–Thursday | Friday and Saturday, August 24–25–26–27–28–29–30–31 and Sept. 1, 1900. | Read the rules carefully, that you may conform with them when | you make your entries, and avoid errors and misunderstandings. | For special premiums see latter pages of the book | Des Moines: | The Homestead co. | 1900. |

77 p. O. pap.

Iowa state fair catalogue | containing | rules and premium list | for the | forty-seventh annual exhibition | under the auspices of the | State board of agriculture | to be held at | Des Moines, Iowa, | the capital and great railway center of the state, | Friday–Saturday–Sunday–

Monday–Tuesday–Wednesday–Thursday | Friday and Saturday, August 23–24–25–26–27–28–29–30–31, 1901. | Read the rules carefully, that you may conform with them when | you make your entries, and avoid errors and misunderstandings. | For special premiums see latter pages of the book | Des Moines: | The Homestead co. | 1901. |

59 p. O. pap.

United States | Department of agriculture, | Weather bureau. | Annual report | of the | Iowa weather and crop service | in co-operation with the | United States weather bureau, | for the year 1900. | John R. Sage, director. | Geo. M. Chappel, local forcast official | U. S. weather bureau | assistant director. | Printed by order of the general assembly. | Des Moines: | B. Murphy, state printer, | 1901. |

55 p. O. pap.

U. S. Department agriculture—Weather bureau. Monthly review of the Iowa weather and crop service. Volume 11. January–December 1900. Nos. 1–12.

No general title page is issued for the monthly numbers of the Monthly review. The annual report of the department is supposed to serve as a condensation of the information contained in the Monthly review. No. 12 of the Review for each year contains a summary for the year.

U. S. Department agriculture—Weather bureau. Monthly review of the Iowa weather and crop service. Volume 12. January–December, 1901. Nos. 1–12.

ATTORNEY GENERAL

Second biennial report | of the | attorney-general | of the | state of Iowa. | Charles W. Mullan, | attorney-general. | Transmitted to the governor, January, 1902. | Printed by order of the General assembly.| Des Moines: | B. Murphy, state printer. | 1902. |

217 p. O. Pap.

Contained also in the set of Iowa documents, 1902, vol. 3.

AUDITOR OF STATE

Biennial report | of the | auditor of state | to the | governor of Iowa | July 1, 1901 | Frank F. Merriam, auditor of state | Printed by order

of the General assembly | Des Moines | Bernard Murphy, state printer | 1901. |

535 p. O. cl.

Contained also in the set of Iowa documents, 1902, vol. 1.

Thirty-first annual | report | of the | auditor of state | of the state of Iowa | on | insurance | 1900, | Volume 1. | Frank F. Merriam | auditor of state. | Compiled from annual statements, for the year ending December 31, 1899. | Des Moines: | F. R. Conaway, state printer. | 1900. |

464 p. O. cl.

Contained also in the set of Iowa documents, 1900, vol. 7.

Thirty-first annual | report | of the | auditor of state | of the state of Iowa | on | insurance | 1900, | Volume 2 | Life | Frank F. Merriam, | auditor of state. | Compiled from annual statements, for the year ending December 31, 1899. | Des Moines: | F. R. Conaway, state printer. | 1900. |

504 p. O. cl.

Contained also in the set of Iowa documents, 1900, vol. 7.

Thirty-second annual report | of the | auditor of state | of the state of Iowa | on | insurance | 1901 | Volume 1 | Frank F. Merriam | auditor of state | Compiled from annual statements, for the year ending December 31, 1900 | Des Moines: | Bernard Murphy, state printer | 1901. |

520 p. O. cl.

Contained also in the set of Iowa documents, 1902, vol. 6.

Thirty-second annual report | of the | auditor of state | of the state of Iowa | on | insurance | 1901 | Volume 2 | Life | Frank F. Merriam | auditor of state | Compiled from annual statements, for the year ending December 31, 1900 | Des Moines: | Bernard Murphy, state printer | 1901. |

509 p. O. cl.

Contained also in the set of Iowa documents, 1902, vol. 6.

The insurance reports contain the annual statements and statistical tables showing the condition and business of all life and fire insurance companies doing business in Iowa for the period given.

Revenue laws | of the | state of Iowa | compiled in pursuance of | section 1369 of the code | by | Frank F. Merriam, | auditor of state | Give this to county auditor when assessment is finished | Des Moines | B. Murphy, state printer | 1901. |

452–553 + 86 p. O. pap.

Containing in addition to the revenue laws of Iowa, all laws relating to taxation, so far as they affect the duties of the board of supervisors, county auditors, township clerks and assessors; and the amendments of the 27th general assembly, 1898.

BOARD OF CONTROL OF STATE INSTITUTIONS

Second biennial report | of the | Board of control | of | state institutions | of | Iowa | for the biennial period ending June 30, 1901. | Des Moines | B. Murphy, state printer | 1901. |

748 p. O. cl.

Contained also in the set of Iowa documents, 1902, vol. 5.

The annual report of the Board of control is divided into three parts, part 1 containing general statements in regard to the condition of the several institutions and recommendations to the legislature for their proper care, part 2 consisting of statistical and financial tables, and part 3 presenting the reports for the period of the chief executive officers of the institutions under the charge of the Board of control.

Bulletin | of | Iowa institutions | (Under the Board of control) | Published quarterly | Volume 1. | 1900 | Geo. A. Miller printing co., | Des Moines. |

555 p. O. cl.

Bulletin | of | Iowa institutions | (Under the Board of control) | Published quarterly. | Volume 2 | 1900 | Herald printing co., | Dubuque. |

556 p. pl. O. cl.

Bulletin | of | Iowa institutions | (Under the Board of control) | Published quarterly | Volume 3 | 1901 | Welch printing company | Des Moines. |

339 p. pl. O. cl.

These bulletins contain many articles giving information in regard to the charitable and penal institutions in the state, particularly those dealing with the labor problem and with the often asked question, "Do reformatories reform?" Among the papers on the education of the blind and the deaf is one that describes at length the different systems of embossed print; there are a large number of articles on the care of the insane, together with a history of the several Iowa state institutions.

COLLEGE FOR THE BLIND

Biennial report | of the | superintendent | of the | College for the blind | at | Vinton, Iowa | to the | Board of control of state institutions | for the period ending June 30, 1901 | Glenwood, Iowa | State institution press | 1902. |

27 p. O. pap.

CUSTODIAN OF PUBLIC BUILDINGS

Report | of the | custodian of public buildings | and property | to the | governor of Iowa, | for the years 1900 and 1901. | January 1, 1902. | J. D. McGarraugh | custodian of public buildings and property | Des Moines | B. Murphy, state printer. | 1902. |

61 p. pl. O. pap.

Contained also in the set of Iowa documents, 1902, vol. 1.

DAIRY COMMISSIONER

Fourteenth annual report | of the | state dairy commissioner | to the | governor of the state of Iowa | for the year 1900. |B. P. Norton, | state dairy commissioner. | Printed by order of the General assembly. | Des Moines: | F. R. Conaway, state printer | 1900. |

129 p. O. pap.

Contained also in the set of Iowa documents, 1902, vol. 5.

Fifteenth annual report | of the | state dairy commissioner | to the | governor of the state of Iowa | for the year 1901. | B. P. Norton, | state dairy commissioner. | Printed by order of the General assembly. | Des Moines: | B. Murphy, state printer. 1901. |

115 p. O. pap.

Continued also in the set of Iowa documents, 1902, vol. 5.

EXECUTIVE COUNCIL

Report | of the | Executive council of Iowa | of | expenses and disposition of fees and monies | collected of state officers and | institutions | for the period from | January 1, 1900, to July 1, 1901. | Made in compliance with requirements of chapter | six, acts of twenty-eighth General | assembly. | Des Moines: | B. Murphy, state printer, | 1901. |

365 p. O. pap.

Twenty-ninth annual report | of the | assessed valuation | of | railroad property | in the | state of Iowa | as fixed by the | Executive council of the state | March 23, 1900 | Compiled by A. H. Davison | secretary of executive council | Printed by order of the twenty-eighth General assembly | Des Moines | F. R. Conaway, state printer | 1900.|

55 p. O. pap.

Contained also in the set of Iowa documents, 1900, Vol. 3.

Containing, in addition to the statistical tables which form the main part of the report, a nine page list of the principal officers of the railroads of the state, with post office addresses; also the laws governing the assessment and taxation of railway property.

Thirtieth annual report | of the | assessed valuation | of | railroad property | in the | state of Iowa | as fixed by the Executive council of the state | March 23, 1901. | Compiled by A. H. Davison | secretary of executive council | Printed by authority of chapter four, acts twenty-eighth | General assembly. | Des Moines | Bernard Murphy, state printer. | 1901. |

61 p. O. pap.

Contained also in the set of Iowa documents, 1902, vol. 2.

FISH AND GAME WARDEN

Fourteenth biennial report | of the | state fish and game warden | to the | governor of the state of Iowa | 1900–1901 | Geo. A. Lincoln, warden. | Printed by order of the General assembly. | Des Moines: | B. Murphy, state printer. | 1902. |

22 p. pl. O. pap.

Contained also in the set of Iowa documents, 1902, vol. 4.

GENERAL ASSEMBLY

Acts and resolutions | passed at the | regular session | of the | twenty-eighth General assembly | of the | state of Iowa. | Begun January 8 and ended April 6, 1900. | Published under authority of the state. | Des Moines: | F. R. Conaway, state printer. | 1900. |

206 p. Q. sh.

Rules and standing | committees | of the | twenty-eighth General assembly | 1900. | Printed by order of the General assembly.| Des Moines: | F. R. Conaway, state printer. | 1900. |

68 p. O. pap.

Legislative documents | submitted to the | twenty-eighth General assembly | of the | state of Iowa | which convened at Des Moines, January 8, 1900 | Leslie M. Shaw, governor | J. C. Milliman, lieutenant-governor and president of the senate | G. W. Dobson, secretary of state | Frank F. Merriam, auditor of state | John Herriott, treasurer of state | Richard C. Barrett, superintendent of public instruction | Milton Remley, attorney-general | D. H. Bowen, speaker of the House of representatives | Volume 1 | Des Moines | F. R. Conaway, state printer | 1900 |

v. p. O. sh.

Contents: Governor's message. Governor's inaugural address. Report of auditor. Report of treasurer. Report of convictions.

Legislative documents | submitted to the | twenty-eighth General assembly | of the | state of Iowa | which convened at Des Moines, January 8, 1900 | Leslie M. Shaw, governor | J. C. Milliman, lieutenant-governor and president of the senate | G. W. Dobson, secretary of state | Frank F. Merriam, auditor of state | John Herriott, treasurer of state | Richard C. Barrett, superintendent of public instruction | Milton Remley, attorney-general | D. H. Bowen, speaker of the House of representatives | Volume 2 | Des Moines | F. R. Conaway, state printer | 1900 |

v. p. O. sh.

Contents: Report of superintendent of public instruction. Report of State university. Report of State normal school. Report of State agricultural college. Report of librarian. Report of State historical society. Report of Historical department. Report of custodian of public buildings. Report of Land department. Report of oil inspectors.

Legislative documents | submitted to the | twenty-eighth General assembly | of the | state of Iowa | which convened at Des Moines, January 8, 1900 | Leslie M. Shaw, governor | J. C. Milliman, lieutenant-governor and president of the senate | G. W. Dobson, secretary of state | Frank F. Merriam, auditor of state | John Herriott, treasurer of state | Richard C. Barrett, superintendent of public instruction | Milton Remley, attorney-general | D. H. Bowen, speaker of the House of representatives, | Volume 3 | Des Moines | F. R. Conaway, state printer | 1900 |

v. p. O. sh.

Contents: Railroad commissioners' report for 1898. Railroad commissioners' report for 1899. Railway assessment for 1899. Railway assessment for 1900. Report on pardons. Rules of the twenty-eighth General assembly. Report of mine inspectors.

Legislative documents | submitted to the | twenty-eighth General assembly | of the | state of Iowa | which convened at Des Moines, January 8, 1900 | Leslie M. Shaw, governor | J. C. Milliman, lieutenant-governor and president of the senate | G. W. Dobson, secretary of state | Frank F. Merriam, auditor of state | John Herriott, treasurer of state, | Richard C. Barrett, superintendent of public instruction | Milton Remley, attorney-general. | D. H. Bowen, speaker of the House of representatives | Volume 4 | Des Moines | F. R. Conaway, state printer | 1900 |

v. p. pl. O. sh.

Contents: Board of health report. Bureau of labor statistics report. Dairy commissioner's report for 1898. Dairy commissioner's report for 1899. Pharmacy commissioners' report. State veterinary surgeon's report.

Legislative documents | submitted to the | twenty-eighth General assembly | of the | state of Iowa | which convened at Des Moines, January 8, 1900 | Leslie M. Shaw, governor | J. C. Milliman, lieutenant-governor and president of the senate | G. W. Dobson, secretary of state | Frank F. Merriam, auditor of state | John Herriott, treasurer of state | Richard C. Barrett, superintendent of public instruction | Milton Remley, attorney-general | D. H. Bowen, speaker of the House of representatives | Volume 5 | Des Moines | F. R. Conaway, state printer | 1900 |

v. p. O. sh.

Contents: Report of attorney-general. Report of adjutant-general. Weather and crop service report for 1898. Weather and crop service report for 1899. Report of Improved stock breeders' association. Report of fish commissioner.

Legislative documents | submitted to the | twenty-eighth General assembly | of the | state of Iowa | which convened at Des Moines, January 8, 1900 | Leslie M. Shaw, governor | J. C. Milliman, lieutenant-governor and president of the senate | G. W. Dobson, secretary of state | Frank F. Merriam, auditor of state | John Herriott, treasurer of state | Richard C. Barrett, superintendent of public instruc-

tion | Milton Remley, attorney-general | D. H. Bowen, speaker of the House of representatives | Volume 6 | F. R. Conaway, state printer | 1900 |

v. p. O. sh.

Contents: Report of the Board of control.

Legislative documents | submitted to the | twenty-eighth General assembly | of the | state of Iowa | which convened at Des Moines, January 8, 1900 | Leslie M. Shaw, governor | J. C. Milliman, lieutenant-governor and president of the senate | G. W. Dobson, secretary of state | Frank F. Merriam, auditor of state | John Herriott, treasurer of state | Richard C. Barrett, superintendent of public instruction | Milton Remley, attorney-general | D. H. Bowen, speaker of the House of representatives | Volume 7 | Des Moines | F. R. Conaway, state printer | 1900 |

v. p. O. sh.

Contents: Insurance report for 1899. Volume 1, Insurance report for 1900. Volume 2, Insurance report for 1900.

For reprint of statute laws, 1838–39, see Historical department of Iowa.

GEOLOGICAL SURVEY

Iowa | geological survey | Volume 11. | Administrative reports | Samuel Calvin, A.M., Ph.D., state geologist | A. G. Leonard, assistant state geologist | Des Moines: | Published for the Iowa geological survey | 1901 |

519 p. pl. maps, Q. cl.

Contents: Administrative reports. Mineral production of Iowa in 1900, by S. W. Beyer. Geology of Louisa county, by J. A. Udden. Geology of Marion county, by B. L. Miller. Geology of Pottawattamie county, by J. A. Udden. Geology of Cedar county, by W. H. Norton. Geology of Page county, by Samuel Calvin. Geology of Clay and O'Brien counties, by T. H. Macbride.

Some of the more valuable features of the volume are: (1) The discussion, by the state geologist, of the often asked question, "Why do we not find gold, silver, petroleum, natural gas, salt, etc., in Iowa?" He summarizes the conditions under which these minerals are deposited and the relations in which they are found, reviews the geological history of the state and shows that the necessary conditions and relations are not found, and probably never existed in Iowa. (2) The statistics of the mineral production of the state for the year 1900, in which it is shown that the total value of these products was about $10,000,000, of which coal fur-

nished about 70 per cent and clay about 22 per cent. Separate tables show the coal, the clay, the stone and the total mineral production by counties. (3) The discussion of the physiography or physical geography of the various counties, in which are treated the development of the various types of topography; the origin and history of the drainage systems; the general elevation of the region, etc.; the distribution of the various rock formations, their lithologic characters, geologic age and organic remains; the treatment of the mantle rock residual clays, glacial deposits, alluvium, soils, etc.; the water supply and artesian conditions, well records etc.; the economic products of the various counties surveyed during the year.

Iowa | geological survey | Volume 12 | Annual report, 1901, | with | accompanying papers. | Samuel Calvin, A.M., Ph.D., state geologist | A. G. Leonard, assistant state geologist | Des Moines; | Published for the Iowa geological survey | 1902. |

511 p. pl. maps, Q. cl.

Contents: Administrative reports. Mineral production in Iowa for 1901, by S. W. Beyer. Geology of Webster county, by F. A. Wilder. Geology of Henry county, by T. E. Savage. Geology of Cherokee and Buena Vista counties, with notes on the limits of the Wisconsin drift as seen in northwestern Iowa, by T. H. Macbride. Geology of Jefferson county, by J. A. Udden. Geology of Wapello county, by A. G. Leonard.

The volume contains the administrative report by the state geologist, and reports on the mineral production of the state and the geology of Webster, Henry, Cherokee, Buena Vista, Jefferson and Wapello counties. Some of the more valuable features of the volume are: The report by the state geologist which contains a bibliography (with contents tables) of the publications of the Survey, a review of the work accomplished by the Survey, particularly in glacial geology, and a further discussion of the question of petroleum and natural gas in Iowa. The report on mineral production of the state for 1901, showing the total production in quantity and value of the various minerals, the production of the more important minerals by counties and the total production by counties; coal, clay, stone and gypsum make up nearly 99 per cent of the value. The report on the gypsum deposits of Webster county is accompanied by a very valuable article on gypsum, discussing the deposition, mining, uses and manufacture of cement, plaster, etc., together with a description of the gypsum industry of Germany, and a discussion of the possibilities of improvement in methods of manufacture and the extension of the industry in this state; the treatment of the physiography of the various counties is full, and is of great value to teachers of physical geography; the lithologic characters, distribution and age of the indurated rocks are discussed; the surfacial geology; the Pleistocene deposits; the economic products and possibilities, the artesian conditions and water supply.

Iowa geological survey | Bulletin No. 1 | The | grasses of Iowa | Des Moines, Iowa | 1901. |

525 p. col. pl. O.

By L. H. Pammel, J. B. Weems, and F. Lamson-Scribner.

Contents: Grasses—Graminæ. Purity and vitality of grass seed. Cereals. Fungus diseases of grasses. Bacterial diseases. Pastures and meadows of Iowa. Weeds of meadows and pastures. Chemistry of foods and feeding. Lawns and lawn making in Iowa.

Mineral production in Iowa | for 1900 | by S. W. Beyer. | From Iowa geological survey, vol. 11. | Annual report, 1900, pp. 37–53. | Des Moines: | B. Murphy, state printer | 1901 | Geology | of | Louisa county | by J. A. Udden. | From Iowa geological survey, vol. 11. | Annual report, 1900, pp. 55–126. | Des Moines: | B. Murphy, state printer | 1901 |

maps.

Geology | of | Marion county | by B. L. Miller. | From Iowa geological survey, vol. 11. | Annual report, 1900, pp. 127–197.| Des Moines: | B. Murphy, state printer | 1901 |

map.

Geology | of | Pottawattamie county | by J. A. Udden. | From Iowa geological survey, vol. 11. | Annual report, 1900, pp. 201–277. | Des Moines: | B. Murphy, state printer | 1901 |

map.

Geology | of | Cedar county | by William Harmon Morton. | From Iowa geological survey, vol. 11. | Annual report, 1900, pp. 279–396. | Des Moines: | B. Murphy, state printer | 1901 |

maps.

Geology | of | Page county | by Samuel Calvin. | From Iowa geological survey, vol. 11. | Annual report, 1900, pp. 397–460. | Des Moines: | B. Murphy, state printer | 1901 |

map.

Geology | of | Clay and O'Brien counties | by Thomas H. Macbride. | From Iowa geological survey, vol. 11. | Annual report, 1900, pp. 461–508. | Des Moines: | B. Murphy, state printer | 1901 |

maps, illus.

Mineral production in Iowa | for 1901. | By S. W. Beyer. | From

Iowa geological survey, vol. 12. | Annual report, 1901. pp. 37–61 | Des Moines: | B. Murphy, state printer | 1902 |
pl. O. pap.

Geology | of | Webster county | by Frank A. Wilder | From Iowa geological survey, vol. 12. | Annual report, 1901, pp. 63–235. | Des Moines: | B. Murphy, state printer, | 1902. |
pl. maps, O. pap.

Geology | of | Henry county | by T. E. Savage. | From Iowa geological survey, vol. 12. | Annual report, 1901, pp. 237–302. | Des Moines: | B. Murphy, state printer, | 1902. |
illus. map, O. pap.

Geology | of | Cherokee and Buena Vista counties | with notes on the limit of the Wisconsin drift as seen | in northwestern Iowa. | By Thomas H. Macbride. | From Iowa geological survey, vol. 12. | Annual report, 1901, pp. 303–353. | Des Moines: | B. Murphy, state printer, | 1902. |
maps, O. pap.

Geology | of | Jefferson county | by J. A. Udden. | From Iowa geological survey, vol. 12. | Annual report, 1901, pp. 355–436. | Des Moines: | B. Murphy, state printer, | 1902. |
map, O. pap.

Geology | of | Wapello county | by A. G. Leonard. | From Iowa geological survey, vol. 12. | Annual report, 1901, pp. 439–499. | Des Moines: | B. Murphy, state printer, | 1902. |
illus. map, O. pap.

GOVERNOR

Report | by the | governor of Iowa | of | pardons, suspensions of sentence | commutations and remissions of fines. | From January 10, 1898, to January 10, 1900. | Printed by order of the General assembly. | Des Moines: | F. R. Conaway, state printer. | 1900. |
58 p. O. pap.
Contained also in the set of Iowa documents, 1900, vol. 3.

Inaugural address | of | Leslie M. Shaw | governor of the state of Iowa | delivered | at his second inauguration | January 11, 1900 | Printed by order of the General assembly. |

19 p. O. pap.

Contained also in the set of Iowa documents, 1900, vol. 1.

Biennial message | of | Leslie M. Shaw | governor of the state of Iowa | to the | twenty-eighth General assembly | January, 1900 | printed by authority of the General assembly | Des Moines | F. R. Conaway, state printer | 1900 |

40 p. O. pap.

Contained also in the set of Iowa documents, 1900, vol. 1.

HEALTH, STATE BOARD OF

Eleventh | biennial report | of the | Board of health | of the | state of Iowa | for the | period ending June 30, 1901. | [Seal] | Des Moines: | B. Murphy, state printer. | 1901. |

517 p. pl. O. cl.

Contained also in the set of Iowa documents, 1902, vol. 4.

Iowa health bulletin. | Published by | the State board of health. | Josiah Forrest Kennedy, editor. | [Notice, 1 line] | Vol. 13. Des Moines, January–[May,] 1900. No. 8–[12.] |

97–192 p. O. pap.

Iowa health bulletin. | Published by | the State board of health. | Josiah Forrest Kennedy, editor | [Notice, 1 line] | Vol. 14, Des Moines, June, 1900—[May, 1901,] No. 1–[12.] |

16–192 p. O. pap.

After no. 8, published at Denison, Iowa.

HISTORICAL DEPARTMENT OF IOWA

Fifth biennial report | of the | Historical department | of | Iowa. | Made to the trustees of the state library, | November 1, 1901. | By Charles Aldrich, | curator. | Printed by order of the General assembly. | Des Moines | B. Murphy, state printer | 1901 |

70 p. por. pl. O. pap.

Contained also in the set of Iowa documents, 1902, vol. 3.

The | annals of Iowa. | A historical quarterly. | Volume four—third series. | Edited by | Charles Aldrich, A. M., | [5 lines] | Published by the | Historical department of Iowa, | Des Moines. | 1899–1901. |

Nos. 4–8, January, 1900–January, 1901.

The | annals of Iowa. | A historical quarterly. | Volume five—third series. | Edited by | Charles Aldrich, A. M., | [6 lines] | Published by the | Historical department of Iowa, | Des Moines, | 1901–1903. |

Nos. 1–3, April–October, 1901.

The statute laws | of the | territory of Iowa, | enacted at the first session of the Legislative | assembly of said territory, held at | Burlington, A. D. 1838–39. | Published by authority. | Du Buque: | Russell & Reeves, printers. | 1839. | Reprinted by the | Historical department of Iowa, | 1900. |

634 p. O. sh.

HORTICULTURAL SOCIETY

Report | of the | Iowa state horticultural society | for the year 1900 | containing proceedings of the | thirty-fifth annual session, | held at | Des Moines, December 11, 12, 13, 14, 1900, | also, transactions of the | southeastern, northeastern, northwestern and | southwestern horticultural societies. | Edited by the secretary. | Volume 35. | Published by order of the General assembly. | Des Moines | Bernard Murphy, state printer | 1901 |

578 p. pl. O. cl.

Report | of the | Iowa state horticultural society | for the year 1901, | containing the proceedings of the thirty-sixth annual session, | held at | Des Moines, December 10, 11, 12, 1901, | also transactions of the southeastern, northwestern, northeastern and | southwestern horticultural societies. | Edited by the secretary. | Volume 36. | Published by the order of the General assembly. | Des Moines | Bernard Murphy, state printer | 1902 |

622 p. pl. O. cl.

Programme | of the | thirty-fifth annual convention | of the | Iowa | state horticultural society | to be held in the horticultural | room in the capitol | Des Moines | December 11, 12, 13 and 14, | 1900 | You are invited to attend and take | part in the discussions |
8 p. S. pap.

Programme | of the | thirty-sixth annual convention | of the | Iowa | state horticultural society | to be held in the horticultural | room in the capitol | Des Moines | December 10, 11 and 12, 1901 | You are invited to attend and take | part in the discussions |
8 p. S. pap.

HOUSE OF REPRESENTATIVES

Journal of the House | of the | twenty-eighth General assembly | of the | state of Iowa | which convened at the capitol at Des Moines, | January 8, 1900. | Des Moines: | F. R. Conaway, state printer, | 1900. |
1343 p. O. sh.

INDUSTRIAL SCHOOL FOR GIRLS AT MITCHELLVILLE

Seventeenth biennial report | of the | superintendent | of the | Industrial school for girls | at | Mitchellville | to the | Board of control of the state institutions | for the period ending June 30, 1901 | Glenwood, Iowa | State institution press | 1902 |
25 p. O. pap.

INSTITUTION FOR FEEBLE MINDED CHILDREN

Thirteenth biennial report | of the | superintendent | of the | Iowa institution | for | feeble-minded children | at Glenwood | to the | Board of control of the state institutions | for the period ending June 30, 1901. | Glenwood institution press | 1901 |
44 p. O. pap.

LABOR STATISTICS, BUREAU OF

Ninth biennial report | of the | Bureau of labor statistics | for the | state of Iowa | 1899–1900 | C. F. Wennerstrum | commissioner | Des Moines: | B. Murphy, state printer. | 1901 |
598 p. O. cl.

Contents: Factory inspection. Manufacturing industries of Iowa. Wage earners of Iowa. Railroad statistics of Iowa. Trade unions in Iowa. Co-operation and profit sharing. Locations for new industries in Iowa. Manual training in Iowa. Strikes in Iowa. Lockouts in Iowa. The shorter work day in the United States. Cost of labor bureaus in the United States. Statutory investigation in Iowa. Introductory to the manufacturing statistics, by W. R. Patterson. Value and influence of labor statistics, by Carroll D. Wright. Some of the economic and industrial phases of the Amana society or the Community of true inspiration, by Mrs. Bertha H. Shambaugh. The kindergarten as an educational force, by Francis E. Cook. Manual training versus trade schools, by Caloni Milton Woodward. Icarian colony of Iowa. Free employment offices in the United States, by Kate B. Miller. Labor laws of the state of Illinois. The workings of the Department of labor, by Carroll D. Wright. Labor laws of Iowa.

This report is full of interest to the practical student of sociology. Carefully prepared statistics and accounts are given regarding problems of current interest, relative to the growth and development of the factory system and of organized labor in the state of Iowa. The special report by Mrs. Shambaugh on the Amana community is the most authentic account of the economic and industrial life of Iowa's one successful communistic society. A valuable paper giving a concise account of the history and functions of the Labor department is contributed by the Hon. Carroll D. Wright.

Contained also in the set of Iowa documents, 1902, vol. 4.

The | law |

An 8 page pamphlet giving the law governing the Bureau of labor statistics, with the amendments made by the 29th General assembly, and new laws of 1902.

LAND DEPARTMENT

Report | of the | secretary of state | to the | governor of Iowa, | of the | transactions of the Land department, | July 1, 1899 to June 30, 1901. | W. B. Martin, secretary of state. | Des Moines: | B. Murphy, state printer. | 1901 |

128 p. O. cl.

Contained also in the set of Iowa documents, 1902, vol. 1.

LIBRARY COMMISSION

Iowa library | commission | Des Moines, Ia. | Leaflet no. 1. | "Shall | a free | public library | be established?" |

20 p. T. pap.

Iowa library | commission, | Des Moines, Ia. | Leaflet no. 2. | Iowa | The anniversary of her | statehood | December 28 | A few books |

about Iowa | "The affections of | her people, like | the rivers of her | borders, flow to an | inseparable union." |

12 p. T. pap.

Iowa library | commission | Des Moines, Ia. | Leaflet no. 3. | Periodicals | their value and use | with something about indexes | to periodicals, and information | regarding the collection and dis|tribution of periodicals by the | Iowa library commission. |

12 p. T. pap.

Iowa library commission, | the capitol, | Des Moines, Ia. | 100 good books for girls and boys. |

4 p. T. pap.

Shakespeare | A selection from | the literature pertaining | to his life and works | for the use of study | clubs. Prepared by | the library commit|tee of the Iowa fed|eration of women's | clubs and the Iowa | library commission | These books will be loaned | by the traveling library | department of the | Iowa state library |

4 p. T. pap.

Bulletin of the Iowa | library commission | Issued quarterly. Des Moines, Iowa, January–[October,] 1901. Volume 1. Number 1–[4.]|

64 p. O. pap.

MINE INSPECTORS

Tenth biennial report | of the | state mine inspectors | to the | governor of the state of Iowa | for the | two years ending June 30, 1901. | James A. Campbell, district no. 1; John Verner, district no. 2; | James W. Miller, district no. 3. | Printed by order of the General assembly | Des Moines: | Bernard Murphy, state printer. | 1901. |

97 p. O. pap.

Contained also in the set of Iowa documents, 1902, vol. 4.

Iowa | mining laws | according to code of 1897. [1901] |

13 p. O. pap.

Report of commission | appointed to inquire into | and investigate the mat|ters of | explosions in the | coal mines of Iowa |

14 p. O. pap.

OIL INSPECTORS

Biennial report | of | inspectors of oils. | 1900–1901 | Compiled by W. B. Martin, secretary of state. | Printed by order of the General assembly. | Des Moines: | B. Murphy, state printer. | 1901. |

18 p. O. pap.

Contained also in the set of Iowa documents, 1902, vol. 5.

PENITENTIARY, ANAMOSA

Fifteenth biennial report | of the | warden of the penitentiary | at | Anamosa, Iowa, | to the | Board of control of state institutions | for the period ending June 30, 1901 | The prison press: | Penitentiary at Anamosa, Iowa. | 1902. |

73 p. pl. O. pap.

PENITENTIARY, FORT MADISON

Biennial report | of the | warden | of the | Iowa state penitentiary | at | Fort Madison | to the | Board of control of state institutions | for the period ending June 30, 1901 | Glenwood, Iowa | State institution press | 1902. |

41 p. O. pap.

PHARMACY COMMISSION

Eleventh biennial report | of the | commissioners of pharmacy | for the | state of Iowa | 1901 | Printed by order of the General assembly. | Des Moines. | B. Murphy, state printer. | 1901. |

18 p. O. pap.

Contained also in the set of Iowa documents, 1902, vol. 5.

PIONEER LAWMAKERS' ASSOCIATION OF IOWA

Pioneer | law makers' association | of Iowa. | Reunion of 1900, | held at Des Moines, February 14 and 15, 1900. | Seventh biennial session. | Published by authority of the state of Iowa. | Des Moines: | F. R. Conaway, state printer. | 1900. |

102 p. O. pap.

PUBLIC INSTRUCTION, DEPARTMENT OF

Biennial report | of the | superintendent | of | public instruction | of the | state of Iowa | November 1, 1901 | Richard C. Barrett | super-

intendent of public instruction | Printed by order of the general assembly | Des Moines | B. Murphy, state printer | 1902 |

471 + 98 p. pl. O. cl.

Contents: Introductory remarks. Consolidation of schools and transportation of children. Recent school legislation in other states. Iowa state teachers' association. Education of Iowa teachers. School architecture. State certificates and diplomas. Free text books for public schools. Manual for high schools. Accredited high schools. Reports from county superintendents. Reports from higher institutions. National congress of mothers. Manual training. Miscellaneous: Medical inspection of schools. Necrology. Appendix: Statistics; General summary; Abstracts from reports of 1900; Abstracts from reports of 1901; index.

Inner cover reads:

State of Iowa | Department of public instruction | Des Moines | superintendent of public instruction | Richard C. Barrett | deputy superintendent | Albert C. Ross | stenographer | Byrdella Johnson | state board of educational examiners | Richard C. Barrett, *ex-officio* president, Des Moines | George E. MacLean, *ex-officio*, Iowa City | Homer H. Seerley, *ex-officio*, Cedar Falls | Hamlin H. Freer, Mt. Vernon | Mary Alice Bradrick, Chariton | [Notices, 3 lines] |

Being the Iowa school report for 1900–1901.

Contained also in the set of Iowa documents, 1902, vol. 3.

Iowa | educational directory | for the school year | commencing September, 1900 | Issued by the | Department of public instruction | November 15, 1900 | Des Moines | F. R. Conaway, state printer | 1900 |

unp. D. pap.

Iowa | educational directory | for the school year | commencing September, 1900 | Issued by the | Department of public instruction | November 15, 1901 | Des Moines | B. Murphy, state printer | 1901 |

unp. D. pap.

Iowa state teachers' | association | A | high school | manual | issued under the direction | of a committee of twelve, | appointed by the general | association, | December, 1899 | 1901 | Des Moines, Iowa, December, 1901. |

133 p. O. pap.

Twenty-seventh | annual session | of the | Johnson county | normal institute | State university of Iowa, | Iowa City, Iowa | July 2nd to July 21st | 1900 |

52 p. T. pap.

Outside cover reads:

Hand-book | for | Johnson county teachers | and | normal institute | Announcement | 1900 |

Hand-book | for | Iowa schools | Edition of 1900 | Issued by the Department of public instruction | Richard C. Barrett | superintendent of public instruction | This book is the property of the school district | Des Moines: | F. R. Conaway, state printer. | 1900. |

194 p. O. pap.

A course of study for county, township and village schools, final report of committee on course of study for high schools, school law directly affecting teachers, and excerpts from the report of the committee of twelve relating to rural school improvement.

List of library books | for | school districts of Iowa | recommended by | the State board of educational examiners | Issued by the Department of public instruction | 1900 | Des Moines: | F. R. Conaway, state printer, | 1900. |

106 p. O. pap.

A graded and annotated list.

Manual | for | special day | exercises | 1901 | Issued by the Department of public instruction for use in the | schools of Iowa | Richard C. Barrett | superintendent of public instruction |

96 p. O. pap.

Outer cover reads:

Special days | Iowa public schools | 1901 | Issued by the Department of education | Richard C. Barrett, | supt. of public instruction | F. R. Conaway, | state printing house.|

Arbor Day | Friday, April 27, 1900 | [Cut of] motherwort and Virginia creeper. | Even a clump of weeds looks well in the corner by the house. | "Arbor Day is the only holiday which speaks for the future; all others cele|brate the past." | State of Iowa | Department of public instruction |

4 p. O. pap.

Programme | of the | Central Iowa teachers' association | third annual meeting | held in | Boone, Iowa | February 20, 21 and 22, 1902 | Officers | president, E. D. Y. Culbertson, Des Moines | secretary, Carolyn Anderson, Marshalltown | treasurer, C. E. Moore, Waterloo | railroad secretary, R. V. Veneman, Boone | executive committee | chairman, J. C. King, Boone | F. E. Willard, Marshalltown. E. W. Fellows, Clarion | musical director | E. L. Coburn, Boone |

8 p. O. pap.

Program | of the | Northwestern Iowa | teachers' association | to be held in high school building, | twelfth and Jackson streets, | Sioux City, | April 19, 20 and 21, 1900. | Officers. | N. Spencer, Algona, president. | D. M. Odle, Hull, vice-president. | Agnes Robertson, Cherokee, recording secretary | F. M. Harding, Sioux City, railroad sec'y. | H. B. Pierce, Rock Rapids, treasurer. | Executive committee. | H. E. Kratz, Sioux City, chairman. | H. E. Blackmar, Emmetsburg. W. F. Cole, Webster City. |

6 p. O. pap.

Program | of the Southwestern | Iowa teachers' | association | to be held at | Council Bluffs, | November 1, 2 and 3, 1900. | Officers: | William Wilcox, Mt. Vernon, president. | Jessie G. Nutting, Glenwood, vice-president. | D. M. Kelley, Cedar Falls, recording secretary. | C. M. Peters, Creston, railroad secretary. | W. N. Clifford, Council Bluffs, | chairman executive committee |

8 p. S. pap.

State of Iowa | Department of | public instruction | Des Moines | Northeastern Iowa teachers' association | Clinton, October 18: 19: 20 | September 20, 1900 |

1 p. O. pap.

Program | of the | Southeastern Iowa | teachers' association | seventh annual session | Grinnell, Iowa, April 4, 5, 6, 1901 | [Cut of] Blair hall, Iowa College, Grinnell, Iowa. | Officers: | supt. J. F. Riggs, Sigourney, president. | county supt. C. M. Donaldson, Wapello, vice-president. | Miss Etta M. Bardwell, Ottumwa, sec-

retary. | Supt. F. W. Else, Mt. Pleasant, treasurer. | Supt. C. H. Carson, Marengo, chairman executive committee. | Supt. D. A Thornburg, Grinnell, chairman local committees. | Prin. W. J. Samson, Burlington, railroad secretary. |

15 p. S. pap.

Circular of information | no. 2 | Relating to transportation of pupils | increased educational facilities | for advanced pupils | and township graded schools for all pupils | Issued by the Department of public instruction November 1, 1900 | Richard C. Barrett | superintendent | Des Moines | F. R. Conaway, state printer | 1900 |

10 p. O. pap.

State of Iowa | Department of | public instruction | Des Moines | Official call for spring conventions of | Iowa county superintendents | Richard C. Barrett | superintendent public instruction | Albert C. Ross, deputy | Des Moines, | B. Murphy, state printer. | 1902. |

4 p. O. pap.

State of Iowa | Department of | public instruction | Des Moines | Opinions of attorney-general |

Dated Jan. 17, 1901. Des Moines. 4 p. O. pap.

State of Iowa | Department of | public instruction | Des Moines | Official call | to county superintendents of Iowa: | Richard C. Barrett, | superintendent public instruction. | December 9, 1900. |

4 p. O. pap.

State of Iowa | Department of | public instruction | Des Moines | Official call. | To county superintendents of Iowa: | Richard C. Barrett, | superintendent public instruction. | December 9, 1901. |

4 p. O. pap.

State of Iowa | Department of | public instruction | Des Moines | Library circular [Oct. 1900.] |

4 p. O. pap.

RAILROAD COMMISSIONERS

Twenty-third annual report | of the | Board of railroad commissioners | for the | year ending June 30, 1900. | State of Iowa | Printed

by order of the General assembly. | Des Moines: | B. Murphy, state printer. | 1901. |

469 p. O. cl.

Contained also in the set of Iowa documents, 1902, vol. 2.

Twenty-fourth annual report | of the | Board of railroad commissioners | for the | year ending June 30, 1901. | State of Iowa | Printed by order of the General assembly. | Des Moines. | B. Murphy, state printer. | 1902. |

633 p. O. cl.

Contained also in the set of Iowa documents, 1902, vol. 2.

These reports contain a large amount of statistical information in regard to the returns of the railway companies in the state, their mileage and lists of officers and directors, the decisions of the commissioners on various railroad cases, and reports of accidents in Iowa. The report for 1901 contains, in addition, the Iowa freight classification no. 12, with which is incorporated the schedule of reasonable maximum rates of charges for the transportation of freight and cars.

Laws of Iowa | pertaining to | railways, express companies, etc., etc. | Appendix | to the | twenty-second annual report (1899) | of the | Board of railroad commissioners. | (Published by permission of the Executive council, from | the code of 1897, including session laws | of 1898 and 1900.) | Des Moines: | F. R. Conaway, state printer, | 1900 |

515 p. O. cl.

State of Iowa. | Schedule of reasonable | maximum rates of charges | for the transportation of | freight and cars | on each of the railroads of the state of Iowa, | together with a | classification of freights. | Prepared by the railroad commissioners, | in accordance with the laws of the state. Taking effect October 1, 1901. | Des Moines: | B. Murphy, state printer. | 1901. |

170 p. Q. pap.

Inner title page reads:

Iowa classification no. 12 | (taking effect October 1, 1901.) | with which is incorporated the schedule of | reasonable maximum rates of charges | for the transportation of | freight and cars, | and | classification of railroads. | Prepared by the board of railroad commissioners of the state of Iowa, in accordance with the laws of the state. |

Map of | Iowa | prepared and printed for the | railroad commissioners, | to accompany their report. | Rand, McNally & co., engravers, Chicago. |

Scale: 8 miles = 1 inch.

SCHOOL FOR THE DEAF

Twenty-fourth biennial report | of the | superintendent | of the | Iowa school for the deaf | at Council Bluffs, | to the | Board of control of state institutions | for the period ending June 30, 1901 | Glenwood, Iowa | State institution press | 1902 |

30 p. pl. O. pap.

SECRETARY OF STATE

Fifteenth year | Iowa | official | register | published by the | secretary of state | by order of | the General assembly. | 1900 |

492 p. por. D. cl.

Contents: Pt. 1: Early history of Iowa. Iowa constitution. Territorial and state officers. Pt. 2: State, district and county officers. Pt. 3: Board of control. State institutions. Iowa national guard. Pt. 4: Transactions of the Executive council for the year 1899. Pt. 5: Election statistics of the state election, 1899. Pt. 6: National election 1896. Statistics, party platforms, organizations, etc. Pt. 7: National and state governments. Treaty of peace. Our new possessions. Pt. 8: Miscellaneous statistics.

Sixteenth year | Iowa | official | register | published by the | secretary of state | by order of | the General assembly. | 1901 |

528 p. por. map, D. cl.

Contents: Organic law of Iowa. Admission of Iowa into the union. Constitution of Iowa. Pt. 2: State, district and county officers. Pt. 3: Board of control. State institutions. Iowa national guard. Library statistics. Pt. 4: Transactions of the Executive council for the year 1900. Pt. 5: Political platforms and parties. Iowa statistics of the general election 1900. Pt. 6: National and state governments. Military and civil governments of our new possessions. Pt. 7: U. S. Census statistics. Census of Cuba, Porto Rico and the Hawaiian islands. Miscellaneous statistics.

Report | of the | secretary of state | relating to | criminal convictions | for the years 1900 and 1901. | William B. Martin, secretary of state. | Printed by order of the | General assembly. | [Des Moines, | B. Murphy, state printer. | 1901.] |

149 p. O. pap.

Contained also in the set of Iowa documents, 1902, vol. 1.

SENATE

Journal of the Senate | of the | twenty-eighth General assembly | of the | state of Iowa | which convened at the capitol at Des Moines | January 8, 1900. | Des Moines: | F. R. Conaway, state printer, | 1900 |

1127 p. O. sh.

SOLDIERS' ORPHANS' HOME

Eighteenth biennial report | of the | superintendent | of the | Iowa soldiers' orphans' home | at | Davenport | to the | Board of control of state institutions | for the period ending June 30, 1901 | Glenwood, Iowa | State institution press | 1902 |

31 p. pl. O. pap.

STATE AGRICULTURAL COLLEGE

Nineteenth biennial report | of the | Iowa state college of agriculture | and the mechanic arts | made to | the governor of Iowa | for the years 1900–1901 | Printed by order of the General assembly, | Des Moines | B. Murphy, state printer | 1901 |

85 p. O. cl.

Contained also in the set of Iowa documents, 1902, vol. 3.

Iowa state college | of | agriculture | and | the mechanic arts. | Catalog 1900–1901. | "Science with practice" | 1901. | By the college. | Ames. |

332 p. D. pap.

Bulletin 44. February 1900 | Iowa agricultural college | Experiment station. | Ames, Iowa. | Department of horticulture and forestry. | Observations and suggestions | on the | root-killing of fruit trees. | Ames, Iowa. | Intelligencer printing house. | 1899. |

179–213 p. O. pap.

Bulletin 45. February 1900. | Iowa agricultural college | Experiment station, | Ames, Iowa. | Field experiments | with | corn, oats, barley, wheat, brome grass, rape, sorghum, | soy beans, cow peas, and sugar beets. | Ames, Iowa. | Intelligencer printing house. | 1900. |

215–229 p. pl. O. pap.

Bulletin 46. March, 1900. | Iowa agricultural college | Experiment station | Ames, Iowa | Department of horticulture and forestry | Facts and opinions about | plums and plum growing | in Iowa | Republican printing co. | Cedar Rapids, Ia. | printers & binders. |

232–303 p. pl. O. pap.

Bulletin 47 March 1900 | Iowa agricultural college | Experiment station | [Cut of sweet potato patch—Horticultural experiment grounds] | Department of horticulture and forestry | Ames, Iowa | Notes on vegetables, | cucumbers, lima beans, tomatoes, | egg plants, sweet potatoes, peppers | Press of Carter & Hussey | Des Moines, Iowa. |

307–337 p. illus. O. pap.

Bulletin 48. June 1900 | Iowa agricultural college | Experiment station, | Ames, Iowa. | Department of animal husbandry. | [Contents, 8 lines] | Ames, Iowa. | Intelligencer printing house. | 1900. |

339–460 p. illus. O. pap.

Bulletin 49 June, 1900 | Iowa agricultural college | Experiment station | Ames, Iowa | Department of entomology | Miscellaneous insects | Republican printing co. | Cedar Rapids, Ia. | printers & binders. |

9 p. illus. O. pap.

Bulletin 50 June, 1900 | Iowa agricultural college | Experiment station | Ames, Iowa | Department of entomology | Insecticide methods | Republican printing co. | Cedar Rapids, Ia. | printers & binders. |

11–23 p. O. pap.

Bulletin 51 | August, 1900 | Iowa agricultural college | Experiment station | Ames, Iowa | Department of agriculture | Winter wheat | Ames, Iowa | The Times press |

21–30 p. O. pap.

Bulletin 52 September, 1900 | Iowa agricultural college | Experiment station | Ames, Iowa | Dairy and chemistry departments | 1. Cream testing. | 2. The influence of certain conditions in churning

on the amount of water in butter. | 3. A study of butter increasers. | 1900 | The Times press | Ames, Iowa |

29–59 p. O. pap.

Bulletin 53. November 1900 | Iowa agricultural college | Experiment station, | Ames, Iowa. | The asparagus rust in Iowa. | Ames, Iowa. | Intelligencer printing house | 1900. |

58–67 p. O. pap.

Bulletin 54 January, 1901. | Iowa agricultural college | Experiment station | Ames, Iowa | Grasses | by L. H. Pammel, J. B. Weems and F. Lamson-Scribner | F. R. Conaway | Des Moines, Iowa | 1901. |

71–344 p. O. pap.

Bulletin 55 February, 1901 | Iowa agricultural college | Experiment station | Ames, Iowa | Field experiments | Corn, test of varieties, methods of cultivation, selection, shrinkage; oats, barley, spring wheat, speltz, sorghum, rape, kohlrabi, soy beans and sugar beets | Ames, Iowa | The Ames Times press | 1901 |

362–84 p. illus. O. pap.

Bulletin 56 March 1901 | Iowa agricultural college | Experiment station | Ames, Iowa | Pastures and meadows of Iowa | by | L. H. Pammel; J. B. Weems and F. Lamson-Scribner | F. R. Conaway | Des Moines, Iowa | 1901 |

385–621 p. illus. O. pap.

Bulletin 57 April, 1901 | Iowa agricultural college | Experiment station | Ames, Iowa | Experiments in curing | cheese | Ames, Iowa | Press of the Times | 1901 |

14 p. illus. O. pap.

Bulletin 58. April 1901. | Iowa agricultural college | Experiment station, | Ames, Iowa. | Parturient paralysis and the | Schmidt treatment. | List of bulletins published by the | Iowa experiment station. | Ames, Iowa. | Intelligencer printing house | 1901. |

17–36 p. O. pap.

Bulletin 59 August, 1901 | Iowa agricultural college | Experiment station | Ames, Iowa | A bacteriological study of the college | cream-

ery milk supply | A case of putrid butter | Purification of milk by the centrifugal | separator | Ames, Iowa | Press of the Ames Times | 1901 |

37–59 p. illus. O. pap.

Bulletin 60. September, 1901. | Iowa agricultural college | Experiment station, | Ames, Iowa. | The aphididæ of North America. | Ames, Iowa. | Intelligencer printing house. | 1901. |

63–138 p. O. pap.

Bulletin 62 December, 1901 | Iowa agricultural college | Experiment station | Ames, Iowa | A study on the germination and | growth of leguminosæ, especially with reference to small | and large seed | Reprinted from Proceedings of the twenty-second annual meeting of the | society for the promotion of agricultural science, 1901. | Ames, Iowa | 1901 |

155–177 p. illus. O. pap.

STATE HISTORICAL SOCIETY OF IOWA

Twenty-third biennial report | of the | Board of curators | of the | State historical society | to the | governor of the state | 1901 | Printed by order of the General assembly | Des Moines: | B. Murphy, state printer | 1901 |

12 p. O. pap.

Contained also in the set of Iowa documents, 1902, vol. 3.

Iowa | historical record | published by the | State historical society | at | Iowa City | Volume 16, 17 and 18. | 1900–1901–1902 | Iowa City, Iowa | 1901 |

602 p. por. pl. O.

Issued quarterly, four numbers constituting a volume. Vols. 16 and 17 only belong to the period covered by this bibliography, 1900–1901.

Documentary material | relating to | the history of Iowa | edited by | Benjamin F. Shambaugh, A. M., Ph. D. | professor in the State university of Iowa. | Volume 2. | Numbers 13, 14, 15, 16. | Published by | the State | historical society of Iowa | Iowa City, Iowa | 1900 |

147–288 p. O. pap.

Numbers 9, 10, 11, 12 of this volume were published by the State university of Iowa. With number 13 the publication of the series was resumed by the State historical society. Volume 2 is also issued as a complete volume, of 288 pages, containing numbers 9–16.

Documentary material | relating to | the history of Iowa | edited by | Benjamin F. Shambaugh, A. M., Ph. D. | professor in the State university of Iowa | Volume 3 | Local government | Published by | the State historical society of Iowa | Iowa City, Iowa | [1901] |

325 p. O. pap.

This volume is a continuation, as to contents, of volume 2 and deals with local government. It covers the period from 1836 to 1842.

Fragments of the debates | of the | Iowa | constitutional conventions | of 1844 and 1846 | along with | press comments and other materials | on the | constitutions of 1844 and 1846 | Compiled and edited | by | Benjamin F. Shambaugh, A. M., Ph. D. | professor of government and administration | in the university of Iowa | Published by the | State historical society of Iowa | Iowa City, Iowa | 1900 |

415 p. O. pap.

This volume is one of the most valuable source books in Iowa history, since it makes available and accessible the documentary materials relative to the making of the constitutions of 1844 and 1846. There were preserved no complete official reports of the debates of the conventions of 1844 and 1846.

STATE LIBRARY

Biennial report | of the | state librarian | to the | governor of the state of Iowa | July 1, 1901 | Johnson Brigham | state librarian | Printed by order of the General assembly | Des Moines: | Bernard Murphy, state printer | 1902 |

198 p. O. pap.

Contained also in the set of Iowa documents, 1902, vol. 3.

STATE NORMAL SCHOOL

Thirteenth biennial report | of the | state normal school | at | Cedar Falls, Iowa. | School years 1899–1900 and 1900–1901. | Printed by order of the General assembly. | Des Moines: | Bernard Murphy, state printer. | 1901. |

48 p. illus. O. pap.

Contained also in the set of Iowa documents, 1902, vol. 4.

Bulletin | of the | State normal school | Cedar Falls, Iowa. | 1900 | Vol. 1. June. No. 1. | Issued quarterly. | Published by the Normal school. | Entered at the post office at Cedar Falls as second class matter.

142 p. pl. O. pap.

Bulletin | of the | State normal school | 1900. | Vol. 1. October. No. 2. | Issued quarterly. | Published by the Normal school. | Entered at the post office at Cedar Falls as second class matter. |

53 p. plans, O. pap.

Bulletin | of the | State normal school | 1901. | Vol. 1. January. No. 3. | Issued quarterly. | Published by the Normal school. | Entered at the post office at Cedar Falls as second class matter. |

47 p. O. pap.

Containing announcement of the 5th annual session of the summer term, June 15–July 26, 1901.

Bulletin | of the | State normal school. | Vol. 1. April, 1901. No. 4. | Issued quarterly. | Published by the Normal school. | Entered at the post office at Cedar Falls as second class matter. |

192 p. pl. O. pap.

The inner cover reads:

Quarterly centennial register | of the | State normal school, | including a | brief history of the founding, organization, growth | and development of the institution. | State normal bulletin. | Vol. 1. April No. 4. | 1901. |

Bulletin | of the | State normal school | Cedar Falls, Iowa. | 1901. | Vol. 2. June. No. 1. | Issued quarterly. | Published by the Normal school. | Entered at the post office at Cedar Falls as second class matter. |

159 p. pl. O. pap.

Catalogue and circular for school year 1900–1901.

Bulletin | of the | State normal school | Cedar Falls, Iowa. | 1901. Vol. 2. October. No. 2. | Issued quarterly. | Published by the Normal school. | Entered at the post office at Cedar Falls as second class matter. |

217 p. pl. O. pap.

The inner cover reads:

State normal manual | for | public school teachers | by | Wilbur H. Bender, Ph.B. | supervisor | advanced training department. | Iowa state normal school | Cedar Falls, Iowa | State normal school bulletin, | Vol. 2. October. No. 2. | 1901. |

STATE UNIVERSITY OF IOWA

The State university of Iowa | Iowa City | Twenty-second biennial report | to the | governor | and the | twenty-ninth General assembly | October 15, 1901. | Printed by order of the General assembly. | Des Moines: | B. Murphy, state printer. | 1901. |

89 p. O. pap.
Contained also in the set of Iowa documents, 1902, vol. 3.

Bulletin of the State university of Iowa, no. 7 | Announcement | of the | summer session | for 1900 | State university of Iowa | Published by the university | Iowa City, Iowa | [Notices, 3 lines] |

26 p. D. pap.

The State university of Iowa | A bibliography | of the | publications of the university | and its members | The university press | Iowa City, Iowa | [1900] |

64 p. O. pap.
Bulletin, new series, no. 8. March, 1900.

Annual announcement | of the | law department | of the | State university of Iowa | Iowa City, Iowa | 1900–1901 | Published by the university | 1900. |

29 p. O. D. pap.
Bulletin, new series, no. 9. April, 1900.

Annual announcement | of the | medical department | of the | State university of Iowa | Iowa City, Iowa | 1900–1901 | Published by the university | 1900 |

35 p. D. pap.
Bulletin, new series, no. 10, April, 1900.

Annual announcement | of the | homoeopathic | medical department | of the | State university of Iowa | Iowa City, Iowa | 1900-1901 | Published by the university | 1900 |

24 p. D. pap.
Bulletin, new series, no. 11. April, 1900.

Annual announcement | of the | dental department | of the | State university of Iowa | Iowa City, Iowa | 1900–1901 | Published by the university | 1900 |

32 p. pl. D. pap.
Bulletin, new series, no. 12. April, 1900.

Annual announcement | of the | pharmacy department | of the | State university of Iowa | Iowa City, Iowa | 1900–1901 | Published by the university | 1900 |

18 p. pl. D. pap.
Bulletin, new series, no. 13. April, 1900.

Calendar | of the | State university of Iowa | Iowa City, Iowa | 1899–1900 | With announcements for 1900–1901 | Published by the university | 1900 |

266 p. D. pap.
Bulletin, new series, no. 14. May, 1900.

Announcement | of the | graduate college | of the | State university of Iowa | for 1900–1901 | Published by the university | August 1900 |

82 p. D. pap.
Bulletin, new series, no. 17. August, 1900.

The State university of Iowa | Announcement | of | the Iowa school | of | political and social science | for | 1900–1901 | Graduate and undergraduate courses | History, sociology, | economics, statistics, | politics, commerce, jurisprudence, | Iowa City, Iowa | September, 1900 |

29 p. O. pap.
Bulletin, new series, no. 18. September, 1900.

Announcement | of | the summer session | of | the State university of Iowa | June 17–July 27 | 1901 | Iowa City, Iowa | December, 1900 |

47 p. O. pap.
Bulletin, new series, no. 20. December, 1900.

Vol. 5. No. 2. | Bulletin | from the | laboratories of natural history | of the | State university of Iowa. | Published by authority of the regents. | Iowa City, Iowa: | May, 1901. |

216 p. pl. O. pap.
Contents: The ranunculaceæ of Iowa, by T. J. and M. F. L. Fitzpatrick. Pyramidula shimekii (Pilsbry) Shimek, by B. Shimek. Iowa pteridophyta in

the herbarium of the State university of Iowa, by B. Shimek. Descriptions of American uredineæ, III, by J. C. Arthur and E. W. D. Holway. Loess of Iowa City and vicinity, by B. Shimek. Iowa pteridophyta (continued), by B. Shimek. Addenda to the Flora of Lyon county, Iowa, by B. Shimek.
Bulletin, no. 21.

The | State university of Iowa | Announcement | of the | graduate college | 1901–1902 | [Seal] | Published by the university | Iowa City, Iowa | 1901 |

105 p. D. pap.
Bulletin, new series, no. 25. April, 1900.

The | State university of Iowa | Announcement | of the | college of liberal arts | 1901–1902 | Published by the university | Iowa City, Iowa, | 1901 |

195 p. D. pap.
Bulletin, new series, no. 27. April, 1901.

The | State university of Iowa | Announcement | of the | college of dentistry | 1901–1902 | [Seal] Published by the university | Iowa City, Iowa | 1901 |

44 p. O. pl. pap.
Bulletin, new series, no. 28. April, 1901.

The | State university of Iowa | Announcement | of the | college of pharmacy | 1901–1902 | Published by the university | Iowa City, Iowa | 1901 |

28 p. pl. D. pap.
Bulletin, new series, no. 29. April, 1901.

The | State university of Iowa | Calendar | 1900–1901 | [Seal] | Published by the university | Iowa City, Iowa | 1901 |

464 p. D. pap.
Bulletin, new series, no. 30. June, 1901.

The | law bulletin | of | the State university | of Iowa | for the use of students | Edited by the faculty of the law department | Number thirty-five | February 1900 | Contents [2 lines] Iowa City | Published by the university | 1900 |

32 p. O. pap.

The | law bulletin | of | the State university | of Iowa | for the use of students | Edited by the faculty of the law department | Number

thirty-six | April 1900 | Contents [7 lines] | Iowa City | Published by the university | 1900 |
24 p. O. pap.

The | law bulletin | of | the State university | of Iowa | for the use of students | Edited by the faculty of the college of law | Number thirty-seven | October, 1900 | Contents. [2 lines] | Iowa City | Published by the university | 1900 |
22 p. O. pap.

The | law bulletin | of | the State university | of Iowa | for the use of students | Edited by the faculty of the college of law | Number thirty-eight | December, 1900 | Contents. [4 lines] | Iowa City | Published by the university | 1901 |
24 p. O. pap.

The | law bulletin | of | the State university | of Iowa | for the use of students | Edited by the faculty of the college of law | Number thirty-nine | February, 1901 | Contents. [5 lines] | Iowa City | Published by the university | 1901 |
24 p. O. pap.

The | law bulletin | of | the State university | of Iowa | for the use of students | Edited by the faculty of the college of law | Number forty | April 1901 | Contents [1 line] | Iowa City | Published by the university | 1901 |
24 p. O. pap.

The | law bulletin | of | the State university | of Iowa | for the use of students | Edited by the faculty of the college of law | Number forty-one. | October 1901 | Contents [1 line] | Iowa City | Published by the university | 1901 |
28 p. O. pap.

The | law bulletin | of | the State university | of Iowa | for the use of students | Edited by the faculty of the college of law | Number forty-two | December, 1901 | Contents [1 line] | Iowa City | Published by the university | 1901 |
42 p. O. pap.

SUPREME COURT

Reports | of | cases at law and in equity | determined by the | Supreme court | of the | state of Iowa. | December 14, 1899–April 11, 1900. | By | Benj. J. Salinger. | Volume 21; | being volume 110 of the series. | Des Moines, Iowa: | Geo. H. Ragsdale, publisher,| 1901.|

886 p. O. sh.

Reports | of | cases at law and in equity | determined by the | Supreme court | of the | state of Iowa. | April 12, 1900–October 3, 1900. | By | Benj. J. Salinger. | Volume 22, | being volume 111 of the series. | Des Moines, Iowa: | Geo. H. Ragsdale, publisher | 1901. |

899 p. O. sh.

Reports | of | cases at law and in equity | determined by the | Supreme court | of the | state of Iowa. | October 3, 1900–January 18, 1901. | By Benj. J. Salinger. | Volume 23, | being volume 112 of the series. | Des Moines, Iowa: | Geo. H. Ragsdale, publisher | 1901. |

876 p. O. sh.

Statutes and rules | regulating | admissions to the bar | in | Iowa | in force from and after | July 4, 1901 | Published by the Supreme court | Des Moines | 1901. |

7 p. O. pap.

Supreme court docket | January term, A. D. 1900. | At | Des Moines, Iowa. | [Notices, 3 lines. Index, 20 lines. Names of judges, 9 lines.] | Terms of supreme court commence | third Tuesday in January, | second Tuesday in May, | first Tuesday in October. |

33 p. Q. pap.

Supreme court docket | May term, A. D. 1900. | At | Des Moines, Iowa. | [Notices, 3 lines. Index, 20 lines. Names of judges, 9 lines.] | Terms of supreme court commence | third Tuesday in January, | second Tuesday in May, | first Tuesday in October. |

33 p. Q. pap.

Supreme court docket | October term, A. D. 1900. | At | Des Moines, Iowa. | [Notices, 3 lines. Index, 20 lines. Names of judges, 9 lines.] | Terms of supreme court commence | third Tuesday in January, | second Tuesday in May, | first Tuesday in October. |

33 p. Q. pap.

Supreme court docket | January term, A. D. 1901. | At | Des Moines, Iowa. | [Notices, 3 lines. Index, 20 lines. Names of judges, 9 lines.] | Terms of supreme court commence | third Tuesday in January, | second Tuesday in May, | first Tuesday in October. |

33 p. Q. pap.

Supreme court docket | May term, A. D. 1901. | At | Des Moines, Iowa. | [Notices, 3 lines. Index, 20 lines. Names of judges, 9 lines.] | Terms of supreme court commence | third Tuesday in January, | second Tuesday in May, | first Tuesday in October. |

33 p. Q. pap.

Supreme court docket | October term, A. D. 1901.| At | Des Moines, Iowa. | [Notices, 3 lines. Index, 20 lines. Names of judges, 9 lines.] | Terms of supreme court commence | third Tuesday in January, | second Tuesday in May, | first Tuesday in October. |

33 p. Q. pap.

TREASURER OF STATE

Biennial report | of the | treasurer of state of Iowa | for the | biennial period ending June 30, 1901 | G. S. Gilbertson | treasurer of the state of Iowa | Des Moines | B. Murphy, state printer | 1901 |

293 p. O. cl.

Contained also in the set of Iowa documents, 1902, vol. 1.

Circular no. 12, Feb. 1901—1,000. Division inheritance taxes. | Attorney's fees are not to be deducted in computing | the collateral inheritance tax. | The following is an opinion of the attorney-general with reference to the deduction of attorney's fees as | one of the items included in the term "debts," as defined in section 1, chapter 51, acts of the twenty-eighth | General assembly. | G. S. Gilbertson | treasurer of state February 15, 1901. | [33 lines] |

1 p. Q. pap.

Circular no. 14—July, 1901. 1,000.—Division inheritance taxes.| The collateral inheritance tax is imposed only upon the | estate owned by the decedent at time of death and not upon | interest or income subsequently arising. | State of Iowa, | Treasury department, | Des Moines, July 24, 1901. | The question as to whether the collateral in-

heritance tax should be computed on the | value of an estate as it existed at the time of death of the decedent, or upon its value at | the time of distribution to the heirs or legatees, having often arisen, and there being a | considerable division of opinion on this point among those concerned in the settlement | of this tax, the Treasury department called upon Hon. Chas. W. Mullen, áttorney gen | eral, for an opinion covering the question. | His opinion follows herein. We request county attorneys and clerks of the district | court to give this publicity among the attorneys of the several counties of the state. | G. S. Gilbertson, | treasurer of state. |

3 p. Q. pap.

VETERINARY SURGEON

Third biennial report | of the | veterinary surgeon | of the | state of Iowa | to the | governor of Iowa | for the | period ending June 30, 1901 | Des Moines: B. Murphy, state printer 1901 |

46 p. por. O. pap.

Contained also in the set of Iowa documents, 1902, vol. 5.

VICKSBURG COMMISSION

Commissioner's report | Commission to locate the position of | Iowa troops | in the | siege of Vicksburg | J. K. P. Thompson, chairman | 1901 | Des Moines: | B. Murphy, state printer | 1901 |

48 p. map, O. pap.

SOME PUBLICATIONS

John Marshall, Life, Character, and Judicial Services. As portrayed in the Centenary and Memorial Addresses and Proceedings throughout the United States on Marshall Day, 1901, and in the Classic Orations of Binney, Story, Phelps, Waite, and Rawle. Compiled and Edited with an Introduction. By JOHN F. DILLON. Chicago: Callaghan & Company. 1903. Vol. I, pp. viii, 528. Vol. II, pp. 565. Vol. III, pp. 523.

No more characteristic or eulogistic tribute was ever paid in this or any other country to the memory of an illustrious public man than that involved in the commemoration of the centennial of John Marshall's installation as Chief Justice of the Supreme Court of the United States, February 4th, 1801. In response to a request made by the American Bar Association, the day was observed at the national capital, and in thirty-eight of the States of the Union, and at assemblages of various kinds, spontaneously called in response to this suggestion, addresses were delivered in which calmly, argumentatively and conclusively the life, character, and genius of the great Chief Justice were described and extolled. But this general tribute was significant of something of larger value than the personal greatness of one man. It was significant of the completion of a century of constitutional development in the United States, the ultimate vindication of the principles on which the federal government was founded, and the final demonstration of the success of democratic institutions, resting for their security on the respect for law and good government prevailing with the body of the people of this nation. It was not a tribute to military glory nor to regal power, but a spontaneous intellectual recognition of the greatness of character, faithful services, and eminent attainments of one whose claims to recognition as a great man among the leaders in the world's history rested upon the administration of the duties and the discharge of the

responsibilities of a judicial office in which there was no opportunity for distinction, save as it was afforded by the wisdom, learning, and judgment involved in pronouncing the law of the land, that system of law recognized in and guaranteed by our constitution, and resting for its effective enforcement on the acquiesence of the people governed. Chief Justice Marshall's fame was already established, and needed not this volume of concurrent tribute to make it known. But the spontaneous and unanimous response to an appeal which did not proceed from any formal or commanding source, but from those who were recognized as proper custodians of the dignity and authority of the law as a rule of conduct, rather than the command of a sovereign, was most significant as to the preponderating influence in the government under which it is our privilege to live.

These volumes are, therefore, of great value, not only for what they contain, but for what they typify, and they constitute a monument, or, as it were, a milestone of a significant and important epoch, not only in our national history, but, as we may justly believe, in the history of civilization. They, however, are not merely in themselves a monument or a mark, but they contain a most interesting and fundamental exposition of our whole theory of constitutional government; for Marshall's announcement of the principles in accordance with which the federal constitution must be interpreted, and the results of such interpretation, have been accepted by all as a part of our fundamental law, and it is not derogatory to the credit to which the great Chief Justice is entitled, but rather in enhancement of it, that he is recognized, not as the originator, but merely as a careful and conscientious expounder of the great system of government which, as the result of historical development and human wisdom combined, was embodied in our constitutional system. No one could speak with better right and more conclusively than those whose addresses are included in these volumes. Among them it will not be invidious to mention Justice Gray, Judge Dillon, Wayne MacVeagh, Professor Thayer, Richard Olney and Bourke Cockran. By preserving the most significant portions only of the addresses which

are included in the compilation, and at the same time giving some matter from each of the many which were delivered, the editor has constructed a work which presents at once many views of the questions which are suggested by the life and services of Chief Justice Marshall, evidences the wide extended recognition of his services, and embodies practically all that the most careful biographer would be able to collect as to his life. The addition of the monumental orations of Horace Binney and Justice Story, delivered soon after Marshall's death, the address on Marshall delivered in 1879 by Edward J. Phelps before the American Bar Association, and the addresses of Chief Justice Waite and William Henry Rawle in connection with the unveiling of the statue of Marshall at Washington in 1884, make this work a practically complete embodiment of that which those best qualified to speak on the subject have had to say with reference to John Marshall.

The preparation of these volumes is itself a monumental work, and another evidence of the devotion of Judge Dillon to the system of jurisprudence of which he has been so eminent an expounder as lawyer, judge, lecturer, and author. That he was willing to undertake so great a task, and give such valuable and painstaking service to the presentation of that which others have said by way of tribute to the first great Chief Justice, entitles him to our deepest gratitude. His work has been worthily supplemented by that of the publisher, and nothing is left to be desired in the embodiment in permanent and accessible form of the national tribute paid to the memory of Marshall on the centennial of his elevation to the office of Chief Justice.

Emlin McClain

Supreme Court Chambers
Des Moines

Texas. By George P. Garrison. Boston: Houghton, Mifflin & Co. 1903. Pp. v, 320.

Of the commonwealths once included within the Spanish province of Louisiana, Texas alone has had an independent existence; its history has, accordingly, a certain unity not to be found in that of States

which have been carved artificially out of the national domain. For this, if for no other reason, the volume on Texas is a welcome addition to the American commonwealth series. The author has preferred to call his contribution to the series a study based on the history of Texas rather than a history proper. It has been his aim to give "a picture of what Texas is and of the process by which it has become such." This prefatory promise lacks something of complete realization. The experience of the people of Texas, which the author professes to recite, proves to be almost exclusively political experience; and the reader will thumb the pages of the volume in vain for the social and institutional aspects of the history of the southwest. Except for a brief chapter on Spanish modes of occupation, there is hardly a suggestion of the economic and social life of the early colonists. The advent of the "Anglo-American" is heralded and his political mission duly emphasized; but where he came from, and why he came, and what social and political institutions he brought with him, and how these institutions were adapted to a quasi-Spanish environment, the reader is left to surmise. In his first chapter the author assures us that Spanish influences left "ineffaceable marks" on the institutions of Texas, but just what these marks are, does not appear. We are told that no feature of Texan history is more instructive than the development of the public land policy, but no further information is vouchsafed, save in a brief reference to the public land reservations for educational purposes.

Had the volume professed to be no more than a sketch of the political history of this vast commonwealth of the southwest, the reader would pronounce it a meritorious piece of work, since it bears evidence of laborious study of the original sources and patient accumulation of data at first hand. If the treatment of Texan history under Spanish rule seems disproportionately long, the fault, if it is such, may be readily condoned, for the writer has imparted thereby a decided old-world flavor to Texan life and created an admirable setting for the study of later political changes. Three short chapters are made to suffice for the history of Texas since annexation to the

United States. Reconstruction days are passed over with a laconic brevity that suggests volumes of pent-up feeling. "Texas of To-day" is the title of a concluding chapter of somewhat encyclopedic character. Population, resources, education, and industries receive here a brief consideration; but recent experiences connected with the "free grass" movement and the farmers' alliance are passed over in silence.

While the author has admirably preserved the attitude of impartial critic throughout his study, there are, nevertheless, some statements, here and there, which are open to question. We fail to see on what grounds the inference rests, that Texas "would likely soon have become a commanding figure in its role of nationality." (p. 228). Frequent bickerings with France and England and continued hostilities with Mexico would seem to be sufficient evidence to the contrary. Statistics will hardly bear out the contention that Texas is "the one southern State that has really grown by immigration." (p. 305). The remark that "there are few States whose people are so cosmopolitan" (p. 306), will hardly pass unchallenged. The author's enthusiastic admiration of the defense of the Alamo as "the superlatively dramatic episode in the history of America" (p. 68) and as the most heroic event in American history," (p. 207) is not likely to kindle corresponding emotions in American readers. It is instructive to find Bancroft, in his History of Mexico, averring that "the blood, both of Mexicans and Texans, shed at Alamo was a useless sacrifice."

ALLEN JOHNSON

IOWA COLLEGE
GRINNELL

The Government of Maine. By WILLIAM MAC DONALD, LL. D. New York: The Macmillan Co. 1902. Pp. 263.

In 1901 the Macmillan Company began the publication of a series on our State governments, entitled the *Handbooks of American Government*, to be edited by Professor Lawrence B. Evans of Tufts College. The volume before us is the third of the series to be published, having been preceded in 1901 by Professor McVey's *The Government of Minnesota*, and in 1902 by Professor Morey's

The Government of New York. Two forth-coming volumes are announced as "in preparation:"—one on *Ohio*, by W. H. Siebert, A. M., and one on *Michigan*, by Webster Cook, Ph. D.

The present volume "begun at Bowdoin College" was "finished at Brown University" by one well equipped for the task. It is a small volume of 263 pages, of which 188 make up the body of the text, 75 being given to four appendices.

The field covered is the whole range of State and local government, and, if the book is small, we are reminded by the author that he has "tried to keep in mind the needs of students in the high schools and academies, for whose use it is particularly designed, and to avoid overloading the text with relatively unimportant details." This quotation explains the aim of the whole series as well as of this one volume.

The first two chapters are given to a historical sketch of Maine as Province, District, and State, covering a period from 1603 to 1903. The history of Maine as a District of Massachusetts is certainly interesting, and here we wish the author might have been fuller. What he tells us is good, but he does not tell all. The admission of Maine in 1820 is spoken of, but that does not tell the whole story. Maine had been in the Union since 1789. We are not told that the people of Maine ratified the constitution in 1788 and voted for president from 1789 to 1820. The event of 1819–20 was rather a division of Massachusetts into two States. We are not told the exact reason why the people of the District wished to be separated from Massachusetts proper.

An exposition of the central government of the State is prefaced by a discussion of the terms of admission to the Union, constitution-making, amendment of constitutions, declarations of rights, etc. Then follow chapters upon local government, nominations and elections, and the administration of justice. An interesting chapter on education explains the State system from district school to State University. Under the caption, "The Protection and Comfort of the State," are discussed the militia, State charities, correctional institutions, the

prohibition law, etc. The final chapter treats of revenue and expenditure.

A valuable part of the book consists of four appendices. One is chronological, one statistical, while a third gives a very helpful analysis of the State and local government in outline. A fourth contains fifty pages of valuable documentary material including the "Grant of Maine to Gorges and Mason," the "Second Charter of Mass., 1691," the "Articles of Separation," "Act of Cession," "Act admitting Maine into the Union," "the Constitution of Maine," etc.

Each chapter is prefaced by a list of references, all of which taken together make up a working bibliography on the government of Maine.

The plan of the whole series, which is to give in brief space clear and concise accounts of the every day workings of our State and local governments, as well as the execution of the volume in hand, is to be highly commended.

F. H. Garver

Morningside College
Sioux City

The Government of New York. Its History and Administration. By William C. Morey. New York: The Macmillan Co. 1902. Pp. xiii, 294.

This little volume appears in the series, *Handbooks of American Government*, edited by Dr. Lawrence B. Evans, Professor of History in Tufts College. The idea of which it is the embodiment is one which is rightly winning its place in the minds of educators. It is in reality the substitution of the inductive for the deductive methods of reasoning in the study of politics and history.

The attempt means that more attention is to be paid to the practical workings of government, hence the *history* of government is to become more prominent. This will enable the student to familiarize himself with the facts which heretofore have been used mainly by the teacher to work out the principles which the student has accepted, because they were given him. The method here laid down can not

help but make clearer thinkers of our students of government because of the added data by which to correct false deductions.

This book, like all of Professor Morey's efforts, is a model of scientific arrangement and analysis. In this respect it may well serve to guide workers in similar fields elsewhere. It is divided into three parts, namely: *The Growth*, *The Structure*, and *The Work of the Government*. The first part traces the historical development of institutions from the landing of the Dutch to the final revision of the Constitution in 1894. The second part treats of the Relation of the State Constitution to the Federal Constitution, the Relation of the Citizen to the State, and the Structure of State and Local Government; while the third part treats of the Functions of the Organs of Government in the Administration of Justice, the Protection of the People, the Support of Public Education, the Supervision of Charities and Corrections, the Control of Economic Interests, and the Management of Public Finances. There is added an appendix containing excerpts from the most important and useful documents, together with other important material which the teacher finds useful and the student finds interesting.

The work has been carefully done and the student and teacher will find it a valuable guide and an extremely suggestive work for an introduction to the more general and philosophical study of the theory of our institutions.

H. G. Plum

The State University of Iowa
Iowa City

Exploration of the Great Lakes in 1669–1670. By Dollier de Casson and De Brehant de Galinee. James H. Coyne, editor and translator. Part I of Vol. IV of the Papers and Records of the Ontario Historical Society. Toronto: 1903. Pp. xxxviii, 90.

When Champlain, in 1609, set out from Quebec with a party of Montagnais warriors to explore the country to the south of the St. Lawrence he little realized the effect which that expedition was to

have upon the development of the French empire in North America. While his primary object was exploration, he was bound, in order to accomplish his purpose, to espouse the cause of his allies and was thus led into an unprovoked attack upon an Iroquois village near Ticonderoga. An easy victory won for New France only the lasting hostility of the Iroquois confederacy. These formidable adversaries were for the next half century able to check all attempts of the French to occupy the country to the south of the St. Lawrence and even rendered traffic along the upper course of the river too hazardous to be profitable. The south being thus closed and the regions to the north being uninviting, French enterprise naturally turned westward, following the upward course of the Ottawa.

By this route the Great Lakes were first reached. The shores of the fresh water sea (*Mer Douce*) were quickly explored to the northward and westward from the Georgian Bay of Lake Huron until the vast areas of Lake Superior on the one hand and of Lake Michigan on the other seemed for a time capable of absorbing the combined energies of missionary, fur-trader and prospector. Thus it happened that the French were established at the head of Green Bay and at Chequamegon Bay at a time when Lake Erie and Lake Ontario were known only through vague reports furnished by vagrant Indians, and the forest trails of Wisconsin were familiar to the Jesuit and the *coureur de bois* while western New York was still *terra incognita.*

The success of the Iroquois in exterminating or scattering neighboring tribes had, by 1665 (*circa*) left them quite isolated in the midst of a vast hunting preserve comprising the territory of their former foes. They thus lost their former advantageous position in which they had acted as intermediaries in the fur trade carried on between the Dutch and the tribes in the interior of the continent. Peace with the French was now their only recourse, and thus travel along the upper St. Lawrence and the Lower Lakes became subject to only the ordinary hazards.

Jesuit and Sulpitian missionaries at once entered the newly opened region, and were immediately followed by emissaries of the state.

A new passageway to the northwest was demanded, more practicable than that by way of the Ottawa. Pere traced out a portage route from Gandatseteigon, on the north shore of Lake Ontario, to the Georgian Bay. Jolliet was sent to locate the copper mines in the northwest, of which there was already much talk. Upon their return to Montreal the two explorers descended the St. Clair and Detroit rivers together, followed the north shore of Lake Erie for a long distance, then struck out overland for the head of Lake Ontario. Here they were met by the party in which we are more immediately interested, that of La Salle and the Sulpitians De Casson and Galinee.

Having left left Montreal two months previously (July 6, 1669) La Salle's party had ascended the St. Lawrence, passed the Thousand Islands, coasted the south shore of Lake Ontario, entered the Niagara River, noting the roar of the distant cataract, and had finally reached the western extremity of the lake. The meeting with Jolliet at this point completed the solution of the problem of the Great Lakes. There was, to be sure, the channel of the Niagara, which had not yet been traced; but a great geographical fact had been demonstrated—the continuity of the water-way from Lake Michigan or Lake Superior to the Gulf of St. Lawrence.

After Jolliet and his companions had taken their leave, the party, which from the first had evidently been divided both as to its leadership and its purposes, actually separated. La Salle, with a few of the company, seems to have repassed the mouth of the Niagara and then struck off across western New York to the sources of the Ohio, following that waterway for a considerable distance; though of this we have no certain information. As for the Sulpitians, they made their way by forest trail and portage to Lake Erie, and after wintering near Port Dover, continued their difficult voyage along the north shore, ascended the Detroit and St. Clair rivers and at last reached Machilimackinac. Thence they returned to Montreal by the old Ottawa route, to find that they had long been given up for lost.

Such is the "setting" of the work under review. Besides the narrative of Galinee, of which the French original and the English

version are given on opposite pages, it includes the *proces-verbal* by which possession was taken of the lands of Lake Erie in the name of Louis XIV., and Galinee's map with its legends. There is also an introduction of twenty-seven closely printed pages, replete with interesting historical and bibliographical matter. A second part, to contain appendices, explanatory notes, and an alphabetical index, is promised at an early date.

It is to be hoped that the present interest in the detailed history of western discovery and exploration will not abate until every extant document which has relation to the subject has been made as readily available as the important one here treated now is. It can hardly be expected that the work will be as well and as thoroughly done in every case as in this.

LAENAS GIFFORD WELD

THE STATE UNIVERSITY OF IOWA
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The Loyalists in the American Revolution. By CLAUDE HALSTEAD VAN TYNE. New York: The Macmillan Co. 1902. Pp. 360.

This is a book by a scholar and for scholars, and yet it is not without some interest for the general reader. As the author says, "The formation of the Tory or Loyalist party in the American Revolution, its persecution by the Whigs during a long and fratricidal war, and the banishment or death of over one hundred thousand of the most conservative and respectable Americans is a tragedy rarely paralleled in the history of the world."

Probably every teacher of American History has asked himself, "Why in our text books and even in our larger histories, do we find so little on the Tories?" Is it because our historians do not dare to tell the truth about the matter? This may have been true in the past but it certainly is not true to-day. If it is because the information is not in a form where the historian, especially the compiler of a school text-book, can get at it, then Dr. Van Tyne has rendered valuable services to his fellow workers.

It should be said by way of parenthesis that while an examination

of a dozen text-books shows nothing like an adequate treatment of the Loyalists, the more recent ones, especially Channing's, show an improvement. Prof. Hart's forthcoming text, if we may judge by the outline, shows a still larger proportion of space given to the subject.

The Loyalists in the American Revolution should be classed under scientific history. The author is fair in his selection of incidents and illustrations. In his power to resist temptations to digress, in his power to leave out all comparisons with events of the present which are analogous but almost always misleading, in his power to resist the temptation to generalize, in all these, Dr. Van Tyne shows himself marvelously strong.

It has been claimed that the book is lacking in style, certainly it is lacking in interest except that which is inherent in the thrilling events narrated. But it remains to be demonstrated whether a man can be strictly scientific and at the same time interesting to the general reader. That Dr. Van Tyne resisted at least one temptation to digress for the sake of making his book interesting is shown by his statement, "In the preparation of a work on the Loyalists there was a temptation to go over the usual ground of a history of the Revolution, and doubtless, the dramatic interest could have been attained only by so doing; but such a treatment would have greatly increased the volume of this work, and would have buried the real contribution to our knowledge of the American Revolution in a mass of well known facts concerning campaigns and historic personages." Dr. Van Tyne has made a distinct and valuable contribution to American history. He has collected, read, and organized in the utmost spirit of fairness, and with a scholarship broad enough to see and classify according to true but subtile relations, a mass of material hitherto buried, as local history is liable to be, in the most unexpected places. From now on it will be easy for his fellow workers, whether teachers or writers, to bring up a long neglected topic—the Tories or Loyalists.

Arthur D. Cromwell

Humboldt College
Humboldt, Iowa

NOTES AND COMMENT

At the special meeting of the Board of Curators of the State Historical Society of Iowa, which was held on Wednesday, June 24, 1903, the Hon. Peter A. Dey was re-elected President of the Board of Curators and of the Society; Dr. Frank E. Horack was elected Corresponding and Recording Secretary to succeed Mr. M. W. Davis; and Miss Margaret Budington was re-elected Librarian and Cataloguer.

A volume of four hundred pages on *The Black Hawk War* is announced by Mr. Frank E. Stevens, 1205 Chamber of Commerce Building, Chicago. This is, perhaps, the most complete and most reliable work on the great Indian chief that has ever been published.

In the new Carnegie library building at Chariton, Iowa, for which plans have been made and accepted, a room is set aside for the local historical society. This suggests that local libraries throughout the State may appropriately be made the homes of the local historical societies.

Volume II of the *Messages and Proclamations of the Governors of Iowa* has been issued by the State Historical Society of Iowa. It covers 500 pages and contains the messages of Governor James W. Grimes, Governor Ralph P. Lowe, and Governor Samuel J. Kirkwood. The third volume has also been issued. This volume contains 472 pages and includes the messages and proclamations of Governor William Milo Stone and Governor Samuel Merrill.

In addition to those named in the April number of THE IOWA JOURNAL OF HISTORY AND POLITICS, the following papers were read before the Political Science Club during the year which closed June 1, 1903: *A New England Town of Fifty Years Ago*, by Professor Amos N. Currier; and *The Freedman's Bureau*, by Dr. Paul S. Peirce.

Sir Frederick Pollock, Corpus Professor of Jurisprudence in the University of Oxford, is scheduled for a brief course of lectures in the College of Law of the State University of Iowa in October, 1903.

Dr. F. E. Horack's article on *The League of Iowa Municipalities* which appeared in the April number of THE IOWA JOURNAL OF HISTORY AND POLITICS was reprinted in the May number of *Midland Municipalities.*

The pamphlets and public documents which had been collected by Senator James W. Grimes during his life, and which since his death had been preserved in the Nealley homestead at Burlington, have recently been donated to the Burlington Public Library.

At the regular annual meeting of the State Historical Society of Iowa, which was held on Monday, June 22, 1903, the following nine local Curators were elected to serve for the term of two years: Peter A. Dey, M. W. Davis, Samuel Calvin, George W. Ball, Benj. F. Shambaugh, Isaac A. Loos, W. C. Wilcox, A. E. Swisher, and Joseph W. Rich. Greetings were sent to Dr. J. L. Pickard, Ex-President of the Society; and the faithful services rendered by the Secretary, Mr. M. W. Davis, were commended in a resolution which was entered upon the minutes of the Society.

The unveiling of two bronze statues—one of Abraham Lincoln and the other of David B. Henderson—at Clermont on Friday, June 19, 1903, was an event of more than local significance. These monuments are the gift of Mr. William Larrabee, Ex-Governor of the State, to the town of Clermont; but the people of the whole State benefit by this gift. Monuments of our national and local statesmen and heroes are among the most effective agencies in promoting patriotism. They daily teach civic virtue and ever tend to deepen that love of country wherein lies the political salvation of the people. Mr. Larrabee's act receives the applause of the whole State. The example which he has set herein should be followed by other men and in a hundred other towns throughout the State.

Three more chapters have been added to Mr. Rich's *Evolution of the American System of Protective Tariffs*. The whole series, which has been published in the *Iowa City Republican*, comprises eighteen chapters.

An account of the *Battle of Shiloh*, written by General Henry H. Wright, has been published in three installments in the *Semi-Weekly Iowegian* (Centerville, Iowa) under the dates of April 3, 6, 10, 1903. It was taken from a *History of the Sixth Iowa Regiment* which Gen. Wright now has in manuscript.

The May, 1903, *Century* contains a short article on *Five Hundred Farmers—an Economic Experiment in Iowa*. The author of this article, Mr. W. S. Harwood, seems to believe that the experience of the Rockwell farmers suggests that the common people have in themselves the power to apply a remedy to some of the evils of trusts and monopolies.

In summing up the results of the late elections in Iowa towns and cities, the editor of the *Midland Municipalities* observes that, "The most important tendency shown by the spring elections in Iowa, is the gradual elimination of party politics in municipal elections. Party lines were drawn in but few of the municipalities, and where so drawn the ticket of the dominant party was in the majority of cases defeated and the minority party was able to elect its ticket."

Mr. C. F. Wennerstrum of Des Moines, sometime Commissioner of Labor Statistics in Iowa, has made and published an interesting compilation of statistics relative to the Scandinavian-born population of Iowa as shown by the census returns for 1900. From Mr. Wennerstrum's compilation it appears that there are 72,611 persons of Scandinavian birth in Iowa, of whom 17,102 are Danes, 25,634 Norwegians, and 29,875 are Swedes. The four States having the largest number of Scandinavian-born people are Minnesota with a total of 236,673, Illinois with 144,812, Wisconsin with 103,942, and Iowa with 72,611.

Mr. R. R. Bowker, who has already compiled and published provisional lists of the publications of many of the States, has now in preparation a provisional list of the publications of the State of Iowa.

The March, 1903, *Midland Municipalities* contains an article on *The Filtration of Public Water Supplies*, by Prof. Charles Magowan. In the same number Mr. W. H. Schooley, Mayor of Indianola, writes on *Governing a Municipality*. In the April number of this same periodical Prof. Magowan continues his discussion on *The Filtration of Public Water Supplies;* Mr. C. H. Van Law, of Marshalltown, writes on *Municipal Administration of Public Utilities;* and Prof. Elmer A. Wilcox discusses *Village Improvement*.

Mr. Lawrence Marshall Byers, who has recently been elected to a professorship in the College of Law at the State University of Iowa. was born at Horgen, in the Canton of Zurich, Switzerland, on August 18, 1872. He graduated from Penn College (Oskaloosa, Iowa) in 1890 with the degree of A. B., from Haverford College (Pennsylvania) in 1891 with the degree of M. A., and from Yale University in 1893 with the degree of LL. B. In 1891 Mr. Byers studied at the University of Zurich, Switzerland. He has practiced law in Des Moines, Iowa, and has been professor of law at Drake University.

Whereas Jacob J. Mosnat, Member of the State Historical Society of Iowa, died on June 20, 1903, at Belle Plaine, Iowa:

Be it Resolved that the following be entered upon the records of the State Historical Society of Iowa:

Jacob J. Mosnat was born in Bohemia in 1857. Early in life he mastered the trade of machinist. Later he studied law, graduating from the Law Department of the State University of Iowa in 1875. He settled at Belle Plaine, Iowa, where he practiced his profession until the day of his death. In 1890 he was elected to the Iowa Senate, which position he occupied in the 23rd and 24th General Assemblies.

Under the title of *Studies and Exercises in Economics*, Professor L. W. Parish of the Iowa State Normal School at Cedar Falls has recently published in pamphlet form an outline course of study embracing in part I the subjects of exchange and money and in part II value, price, and distribution. The first part of these studies and exercises is largely descriptive and historical, the second part is theoretical; the newer aspects of the theory of value developed by the Austrian school and the use of mathematical forms in the statement of economic principles receive considerable attention. A vocabulary of economic terms covering eleven pages is supplied as an appendix.

Dr. Frank Irving Herriott has been appointed professor of Economics and Political Science at Drake University, Des Moines, Iowa. Dr. Herriott received the A. B. degree from Iowa College (Grinnell, Iowa) in 1890, the M. A. degree from the same institution in 1893, and the Ph. D. degree from Johns Hopkins University in 1893. He was instructor in Political Economy at the Woman's College, (Baltimore, Md.) in 1892-93, lecturer on Civics for the American Society for the Extension of University Teaching (Philadelphia, Pa.) in 1894, Editor of *University Extension* in 1893-94, acting-professor of Political Science at Iowa College in 1895-96, and Deputy Treasurer of the State of Iowa from 1897 to 1901. Dr. Herriott is a trustee of Iowa College, a member of the Executive Council of the Associated Charities of Des Moines (Iowa), Director of the Roadside Settlement Association (Des Moines), and member of the American Economic Association. His most valuable publications are:—*Introduction to the History of Corporation Taxes in Iowa; Institutional Expenditures in the State Budget of Iowa;* and *The Vital Statistics of Iowa.*

Indicative of the thoughtful consideration which is being given to the practical value of the study of History and Politics (including local history and local politics) is the call recently made[1] by Andrew D. White, one of America's most illustrious diplomats, for $14,000,000 to be used for the following objects: "First—Endowments in

[1] At the semi-centennial of the class of 1853 of Yale University, held in June, 1903.

twenty-five American universities of professorships and fellowships, to be used in the study of public affairs. Second—Professorships and fellowships in twenty-five American universities for courses in the administration of government in town, State, and nation. Third—The establishment on a similarly large scale in American universities of professorships in international law. Fourth—The establishment of twenty-five professorships and fellowships in the history of civilization. Fifth—Endowments in twenty-five universities for chairs in American history. Sixth—Similar endowments in twenty-five American universities for the study of music and literature as inspiring accompaniments to civic virtue and public life."

ASSOCIATED CHARITIES OF DES MOINES

With the accepted principles of modern philanthropy as a basis, the Associated Charities of Des Moines was organized out of the old time relief societies which flourished after the Civil War. To reduce pauperism, to encourage thrift, to protect the unfortunate, to protect the charitably inclined from fraud, to inculcate the idea that the better educated and well-to-do must act as guardians of the poor, are some of the objects of the society today.

In order that the association may serve the many fraternal, benevolent, and church societies which co-operate, as well as the overseer and city officials, a general secretary is employed; an office is maintained where a card catalogue and envelope system of registration is in vogue, in which the history of more than four thousand families is recorded; makes investigations without charge and through some co-operating charity furnishes adequate relief; holds parlor conferences for the acquirement and dissemination of knowledge regarding the social and economic welfare of the community; maintains a provident fund; serves tax payers by helping enforce the law relative to residence of defectives who are legal charges of other counties than Polk.

The society is duly incorporated, is supported by voluntary contributions, two dollars or more entitling the contributor to membership. Administration is vested in a council of fifteen, five elected at

each annual meeting in April. The general secretary is the only paid officer. Members and supporters the past year number six hundred and twenty-five.

JOSHUA NEWBOLD.

At his home in Mt. Pleasant, Iowa, Joshua G. Newbold, Ex-Governor of the State of Iowa, died June 10, 1903. Several years ago a list of eleven questions was submitted to Mr. Newbold for the purpose of securing reliable data concerning his life. The qnestions with Mr. Newbold's answers are as follows: *Name*—Joshua G. Newbold. *Date of Birth*—May 12th, 1830. *Native State or Country*—Fayette Co., Pennsylvania. *Nationality*—(English) my Father born in America. *Several places of residence (with dates) before coming to Iowa*—Fayette Co., Pennsylvania. *Date of removal to Iowa*—March, 1854. *Place of residence in Iowa at time of election to the office of Governor* — Hillsboro Henry County, Iowa. *By what political party elected*—Republican. Was elected Lieut. Governor on ticket with Kirkwood. He was elected to U. S. Senate. I filled out his unexpired term. *Dates of term or terms of office as Governor* —From March, 1875 until Jan., 1877. [Should read: From Feb., 1877 to Jan., 1878]. *Occupation at time of and before election*—Merchant. *Offices held before election to the office of Governor*—Member of the 13, 14 and 15 General Assemblies of Iowa. Also after serving as Gov., I was a member of the 18th General Assembly.

LETTER FROM GENERAL DODGE ON THE HAMPTON ROADS CONFERENCE

No. 1. Broadway, New York— April 2, 1903.

Dear Sir:—I have read with much interest the article by Joseph W. Rich in the April number of the Iowa Journal of History and Politics on the "Hampton Roads Conference." From conversations I have had with General John A. Rawlins, Chief of Staff to General Grant, and with General Grant himself, I am satisfied that the statement made by Senator Tillman that Lincoln said to Alexander Stephens, "take a blank sheet and write 'Save the Union,'" and "Aleck you fill out the balance and I will agree to it," is sub-

stantially what Mr. Lincoln said to General Grant at City Point after the conference, and was not said to Vice-President Stephens.

During the summer of 1867, when I was building the Union Pacific Railway, General Rawlins accompanied me across the plains to Utah, and back by way of Snake River and the South Pass, on horseback. In our long days' rides together the campaigns and incidents of the war were naturally our principal subject of conversation. My desire to obtain information concerning those portions of the field I was not on myself was a natural one, and General Rawlins generously gave me a great deal of information. This conference between Mr. Lincoln and the Confederate Commission was one of the subjects that was of great interest to me, on account of the hope we all had of some good result from it. General Rawlins spoke of the great disappointment of General Grant at the result. General Rawlins' statement of what Mr. Lincoln said corresponds very closely to what General Grant has said in his *Memoirs* concerning this conference, which seems to have always been overlooked in discussions of this matter. On page 422 of volume II of his *Memoirs* General Grant says: "It was not a great while after they met that the President visited me at City Point. He spoke of his having met the Commission, and said he told them there would be no use in entering into any negotiations unless they would recognize, first, that the nation as a whole must be forever preserved, and, second, that slavery must be abolished. If they were willing to consider these two questions, then he was ready to enter into negotiations, and was almost willing to hand them a blank sheet of paper with his signature attached for them to fill in the terms upon which they were willing to live with us in Union, and be one people."

Now, I wish to suggest this query. Have not the people who have quoted Lincoln as having said this to Alexander Stephens obtained the idea by reading what he actually did say to Grant at City Point, and then assuming that it was said to Stephens, when as a matter of fact it was really what Mr. Lincoln had said to General Grant after the conference?

I also think that the statement from Lincoln to Grant is clear evidence that he did not make that statement to the Commission, because they were not authorized and would not give the assurances Mr. Lincoln required. Very truly yours,

GRENVILLE M. DODGE

CONTRIBUTORS

FRANCIS NEWTON THORPE, Author and Member of the Bar. (See IOWA JOURNAL OF HISTORY AND POLITICS for Jan., 1903.)

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EDWARD M. NEALLEY, Member of the Bar. Born at Burlington, Iowa, October 17, 1864. Member of the State Historical Society of Iowa. Mr. Nealley is a devoted student of political and social science. He has graduated from both the College of Liberal Arts and from the College of Law of the State University of Iowa. He has studied at the University of Chicago; and has traveled and studied abroad.

PAUL SKEELS PEIRCE, Instructor in History at the State University of Iowa. Born at Johnson Creek, N. Y., in 1874. Graduated from Cornell University (Ithaca, N. Y.) in 1897. Received the degree of Ph. D. from Yale University in 1900. Professor of English and History at Hedding College (Abingdon, Ill.) in 1900–1901. Member of the Political Science Club (Iowa).

MARGARET BUDINGTON, Librarian and Cataloguer of the State Historical Society of Iowa. Born at Kingston, New York. Graduated from Vassar College. Member of the State Historical Society of Iowa. Member of the American Library Association. In 1901 Miss Budington occupied the position of Assistant Cataloguer in the library of the Cincinnati University, and in 1902 she held the same position in the library of the State University of Iowa.

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CHIEF JUSTICE MARSHALL AS A CONSTRUCTIVE STATESMAN[1]

I

John Marshall served with credit in the Revolutionary army, was a most effective champion of the proposed Federal Constitution in the convention of Virginia, won the high approval of President Adams and great popular applause for the dignity with which he maintained the honor of the United States in an unsuccessful mission to France, and served with eminent distinction as Secretary of State during the latter part of the Adams administration. But had he left public life when the Federalists were swept out of office by the election of Jefferson to the presidency, had his last public service (and it would undoubtedly have been his last, for he was a strong Federalist, and the anti-Federalists for many years after the retirement of John Adams dominated the policies of the government) been as Secretary of State, I venture to say that he would not have been remembered in our time as an eminent statesman. His claim to distinction is as a judge; and yet it is because, while performing his duty as judge, he had the opportunity, owing to the peculiar nature of the court over which he presided as Chief

[1] The substance of this paper was delivered as an address before the Grant Club, Des Moines, on February 19, 1903. In the form in which it is here published it was read in full before the Political Science Club, Iowa City, on March 9, 1903.

Justice, and because he so presided at a formative period in the history of the government and the court, to exercise the molding influence of a statesman as well, that he has been given so high a rank among the men of his time and his country. It will be well worth while, therefore, to consider for a few moments how it came about that a member of a judicial tribunal could properly, in discharging the functions of that office, show the highest skill in statesmanship; for I am compelled to confess that, after comparing the genius displayed, as well as the results accomplished by the men who molded our institutions, I find none of them to have possessed a stronger insight, or to have been more capable or successful as to the results achieved, than John Marshall.

The Federal Constitution is not a mere historical growth, though it is the result of historical development; nor, on the other hand, is it an original creation, though in form a specific instrument. Those who see in it merely an adaptation to circumstances of the principal features of the English Constitution on the one hand, are as far wrong as those who, on the other, make use of the antithesis of Gladstone when comparing it to the English Constitution, which latter he described as the greatest product of the creative forces of human history, while characterizing the Constitution of the United States as "the most wonderful work ever struck off at a given time by the brain and purpose of man." Our Constitution has the two characteristics subtly combined. There are preserved in it the concrete achievements of long centuries of struggle for freedom by the English people—local self-government, representation, popular suffrage, independence of the three coördinate departments of govern-

ment, the right to have infringement of personal liberty inquired into by means of the writ of habeas corpus, the fundamental right to due process of law. Even historically, however, it stands for more than these. It embodies the concrete results of the struggles of the American Colonies for independence. The characteristics prominent over all others in the State governments formed by the Colonies when they declared their independence, was that just government derives its authority ultimately from the people, and that public officers exercise, by reason of the trust imposed in them, powers delegated by the people, the source of all the powers of government. The framework of the State governments, as organized after independence, was strikingly the same as that of the charter governments established by the King of England in the exercise of his royal prerogative, but the source of the authority exercised under them was essentially different. Take from the charter the royal power as its basis, and substitute for it the power of ultimate sovereignty in the people, and you have a State Constitution such as that adopted in Massachusetts, or Virginia, or Connecticut.

This substitution of the will of the whole people as the ultimate source of authority was a new thing in practical government. The people of England had never realized it. The notion of ultimate responsibility of the ruler for the welfare of his subjects, the realization that the interests of his subjects were the highest interests which he could consider in the administration of his authority, the conception that in the people reposed the ultimate force which the ruler must employ and rely upon if his gov-

ernment should be stable,—these ideas were not new, but practical embodiment of them in a form of government was strikingly original. Such ideas did not inhere either in constitutional or representative governments such as had previously been known. It would be interesting to search for the sources of this American doctrine. That it did not spring full fledged from the minds of constitutional draftsmen, and that it was not adopted off-hand, without some preparation and period of development, must be conceded. Some language in the earliest State Constitutions, as well as in the Declaration of Independence, would indicate the belief that it is the result of the adoption of the general theory embodied in the social compact as to the necessity of the consent of the governed as a foundation for governmental authority, and that this theory was acquired from the philosophers, whose dissertations on the natural rights of man led to the deification of Liberty, Fraternity, and Equality, and prepared the way for the French Revolution. But as a matter of fact the social compact theory is clearly traceable to English philosophy, and the agitation of the eighteenth century with relation to individual liberty seems to have been as active in England as in France. It was but a phase of the struggle for the recognition of extreme individualism which followed quickly on the heels of the complete overthrow of the ideas which underlay the Feudal system. But the government of England had acquired its final definite form before the right of the people to participate in the affairs of the government was fully established, and while individual liberty has there achieved recognition as fully as elsewhere, the constitutional forms have not been changed

to adequately represent its ultimate triumph as against the doctrine of the inherent possession of power by the governing body. In France the breaking down of the Feudal system at a later date than in England gave full opportunity for an embodiment in actual form of the theories of natural right. But the practical protection of individual rights was no more fully secured in France than in England, and I doubt very much whether as to these latest developments of our governmental system we owe any more to French philosophizing, and the French advocacy of liberty, than we do to the agitation which was carried on in England without any such tangible results in constitutional forms.

The Constitution of the United States is a specific instrument of government, adopted by lawful authority, binding on those owing allegiance to the government of which it is the charter, and subject like any other written instrument to authoritative interpretation and enforcement by the judicial department of the federal government, to which the people, in the exercise of their sovereign power have delegated that authority. It is not an unwritten Constitution, reduced tentatively and experimentally to written language, subject to constant alteration and revision, as particular circumstances or emergencies may arise calling for modification, but an instrument binding as written, to be adapted, however, to new conditions or circumstances by the same power of interpretation which is exerted in applying a statute or a contract to conditions not anticipated when it was framed. If it lacks the flexibility of the unwritten Constitution of Great Britain on the one hand, it possesses on the other the distinguishing merit of resting on sovereign authority, an authority para-

mount to that of the different departments of the government, and capable of a binding interpretation. Add to these characters that other one which has remained unique, that there is a tribunal with not only the authority, but the courage, to determine whether those who administer the legislative and the executive authority have kept within the limits prescribed for them by the sovereign will, and it is clear that the government under that Constitution has a responsiveness to public needs, a power of resistance as against the sudden gusts of passion or the insidious burrowings of corruption, and an efficiency in the protection of personal and property rights which distinguish it as the best government which has existed or now exists in the civilized world. The supreme excellence of our Constitution, in the ultimate analysis, consists in its adaptability by interpretation to new conditions and the vesting of the power of interpretation in a tribunal proceeding in accordance with the established traditions of the law, that system of law which has in the whole history of systems of jurisprudence attained the highest development with respect to the protection of the individual rights of the subject, and given the fullest scope of liberty to individual efforts. The power of interpretation being given to a conservative tribunal, it is but reasonable that it should be liberally exercised; without such liberal exercise our Constitution would have been a straight jacket to stifle, instead of an armor to protect, the institutions existing under it. Amendment has proven to be cumbersome and inadequate as a means of adjustment. Interpretation, on the other hand, has furnished the elasticity which has been necessary. Essential principles alone being em-

bodied in the written Constitution, so long as these principles remain unchanged (and they are so fundamental that until our entire theory of government undergoes a revolution a change can hardly be imagined), the power of interpretation will give the necessary means of adjustment.

There are those who pretend to think that liberality of interpretation has destroyed the value of this organic instrument. But they have been unable to point out any material respect in which the ideals of a free government, embodied in the Constitution as originally framed, have been departed from or abandoned. There must always be differences of opinion as to the expediency of any particular construction as between those who are conservative and those who are liberal in their views on such questions. But a difference of judgment as to one particular act of interpretation cannot furnish any adequate basis for a claim that as a whole the instrument has been wrenched from its original purpose. In fact those who have in one particular instance been found insisting upon a strict construction have often in some other particular case been the most zealous in availing themselves of a broad and liberal construction, and there is now really no serious controversy as to the general principles to be applied in constitutional interpretation.

Assuming, then, that from the beginning it must have been apparent that interpretation would be necessary, it is evident that it was a matter of great concern to determine by what authority such interpretation should be made, and on what sanction it should rest. If, as was true of the Articles of Confederation, which formed the basis of the federal authority prior to the adoption of the Constitution in 1789,

this power of interpretation was left to the States, then discord and disunion must inevitably have followed. If the very instrument itself, which purported to be the charter of a more perfect union, designed to secure the blessings of liberty to those on whose authority it was made to rest and their posterity, embodied such a theory, it contained the elements of its own destruction, the limitations of its own existence. If, on the other hand, the power of interpretation was vested in those departments of government whose authority it purported to define and limit, then it could afford no specific protection as against the exercise of arbitrary and unlimited power, or at best only the protection of giving a justification for revolt against authority and the disastrous remedy of revolution. But Anglo-Saxon love for that which is lawful and orderly and certain, and for law, blind to private interests, irresponsive to the attempt to exercise tyrannical authority, made possible the vesting of this power of interpretation in a tribunal as far removed as any human institution can be from the exercise of undue influence, on the one hand or the other, and better adapted than any other conceivable agency for maintaining a just balance between the irresponsible public will and equally irresponsible exercise of unlimited power. Such a tribunal, a court furnished with the machinery and operating in accordance with well established traditions in the administration of justice, was ready at hand. The judicial department was a recognized branch of the government of England. Its protection had been invoked, and the justice which it alone was calculated to administer had been demanded by the Colonists as a part of their inalienable inheritance as Englishmen. As State

Constitutions were formed the judicial department in each was created as coördinate with the legislative and executive departments. It was reasonable, and it was inevitable, that in the formation of a federal government, one which should be a government in fact, and not a mere compact between contracting parties, a judicial department should be provided to determine controversies among individuals arising under the laws which that government was authorized to make. And it seemed reasonable and natural that to this department should be entrusted the interpretation of the fundamental law on which the authority of the federal government was to rest. It was reasonable and natural, and yet it was the unique and supreme result of the struggle for law and liberty combined.

It must be borne in mind that the federal judiciary department, at the head of which stands the Supreme Court, was not primarily created for the interpretation of the Constitution, nor for the application of limitations to the powers of the legislative and executive branches of the federal government. That department was established for the purpose of administering justice to those whose controversies might legitimately be brought before it. No other system of courts in England or the United States has so great or varied a jurisdiction. It administers all branches of the law. It adjudges punishments for crimes, gives redress for torts, gives damages for breach of contract, applies the admiralty and maritime law and expounds the law of nations. And the new and crowning feature of the jurisprudence intrusted to it is that of constitutional interpretation. I mention the wide scope of its jurisprudence for the purpose of showing

how wisely and how safely the constitution-makers acted in bringing forth their one original, though perhaps unconscious, creation in the development of the theories of government, by which was entrusted to the Supreme Court of the United States ultimate and binding authority in the matter of interpretation of the Constitution, the authority which, for the preservation of perpetual peace and union, must be vested somewhere, and could not safely be vested elsewhere.

It is not impossible that the federal tribunals, acting as a coördinate branch of the federal government, shall depart from the letter or the spirit of the Constitution. But if ultimate power of decision is to be vested anywhere, where more safely than in a tribunal presided over by those skilled in the law, and imbued with the traditions of the law, removed as far as possible from any influence of self-interest, with no offices at their disposal, no treasury to draw upon, no army at their command, incapable of coercing any obedience save that which the great body of Anglo-Saxon people yields to the impressive and sublime majesty of the law. As Chief Justice Marshall has said, "That department has no will, in any case. If the sound construction of the act [creating a bank of the United States] be, that it exempts the trade of the bank, as being essential to the character of a machine necessary to the fiscal operations of the government, from the control of the States, courts are as much bound to give it that construction, as if the exemption had been established in express terms. Judicial power, as contradistinguished from the power of the laws, has no existence. Courts are the mere instruments of the law, and can will nothing. When they are said to exercise a discretion, it is a mere

legal discretion, a discretion to be exercised in discerning the course prescribed by law; and, when that is discerned, it is the duty of the court to follow it. Judicial power is never exercised for the purpose of giving effect to the will of the judge; always for the purpose of giving effect to the will of the legislature; or, in other words, to the will of the law."[1] The Supreme Court of the United States has exercised its great and conservative power in the preservation of our institutions and the protection of our national prosperity, not because of the individual ability of its judges, though among them have been great lawyers and great statesmen nor because its judgments are infallible, for no human tribunal can claim this prerogative of omnipotence, but because of the nature of the law itself, and the respect which is accorded to it by the people in whom sovereign authority rests. It was as the Chief Justice of this tribunal, and as a judge administering the law, that Marshall was able to exercise the highest prerogatives of statesmanship, and to prove himself to be entitled to a place among the founders of our great federal system.

It is not to be denied that judges are human, and are capable, even though honest and sincere in their convictions, of entertaining the prejudices and passions of other human beings. It is not possible to apply judicial methods to the solution of difficulties which do not have the nature of legal controversies. The results of judicial deliberations are satisfactory because they relate to subjects within the scope of judicial investigation and determination. When judges have

[1] 9 Wheaton, 866.

acted in matters pertaining to other fields in the affairs of the government, they have been found to be subject to the same limitations, and affected by the same weaknesses, as those which are found in others who attempt to render like services. If the judges of the Supreme Court have been preëminently successful in dealing with constitutional questions, it is because the nature of the controversies involving the interpretation of the Constitution and the determination of the authority of the coördinate branches of the government especially adapts them to judicial solution, and because the Supreme Court, as a court, has dealt with them as other questions of law given to it for decision.

The Supreme Court has no policy to maintain, nor does it undertake to determine beforehand or prospectively questions which may be mooted as to the interpretation of the Constitution or the laws. When a cause has arisen involving their determination, has been brought before it in an orderly form of procedure, and has been presented with full argument by men trained in legal reasoning, representing with their utmost energies the different sides of the controversy, it is then, and then only, that the court, in the light of the argument, attempts to announce its decision relating to the very case presented. That the results have always been free from the influence of that partisanship which is inevitable in the consideration of matters of public concern cannot be claimed. But this can be truthfully said, that no other method of determining such questions is so likely to lead to a feasible, satisfactory, and permanent solution.

II

It was not, however, merely because Marshall was Chief Justice of the Supreme Court of the United States, and discharged his duties with signal courage, integrity, fairness and ability, that he is entitled to be called a statesman. The nature of the court, and the character of the questions which it was called upon to determine, gave him his opportunity. But his position as presiding justice entitled him to no dominance in the deliberations of the court, and no peculiar credit for its decisions. The fact that he did, however, in a just sense dominate the court, not by virtue of his position but through the strength of his mind and the justness of his conclusions, is made apparent by the fact that of all the opinions delivered on constitutional questions during his thirty-five years of service, more than one-half were written by him; that practically all of the decisions on these questions, rendered during his term, which are now cited as fundamental and of undoubted authority, were among those in which he wrote the opinions; that the acquiescence of his associates was not by reason of any partisan agreement, for very soon after his appointment the majority of the court, by reason of appointments to fill vacancies, was constituted of those selected by Presidents placed in power by a party hostile to the views of the Federalists, a party which remained in control of the government throughout his entire period of service, the staunchest and ablest supporter, admirer and champion whom he had among his associates being Justice Story, a Democrat by party affiliation, and the appointee of President Madison. It was not, therefore, as a Federalist or a partisan that Chief Justice Marshall domi-

nated the court and determined the character and tendency of its decisions on constitutional questions. His associates, without regard to party, credited him with unimpeachable personal character, a broad, sound and unbiased judgment, and a majestic courage. The majesty of his mind can only be compared to that of Washington, his clearness of insight and strength of intellect only to that of Hamilton.

It was, however, as a judge that he had occasion to deal with questions vitally affecting the character of the government created through the Federal Constitution, which others had considered from the standpoint of statesmen. If, then, the final interpretation of the Federal Constitution devolved upon the Supreme Court; if in that interpretation it was necessary to settle important questions as to the nature of the federal government, the scope of the powers and the relations to each other of its departments, and the division of sovereignty between it and the governments of the States; if on some questions, most vital in their nature, there was radical and irreconcileable difference of opinion; if we believe in the light of subsequent history that among these conflicting opinions some were more conducive to the prosperity of the people and the perpetuity of the Union than others, and that it is of importance that what we now think to be the sounder opinions prevailed; that it was in accordance with the fundamental purpose of those who framed and successfully labored for the adoption of the Constitution, that those views of the nature of the instrument, and the government which was created under it, should be adopted which would promote the prosperity of the people and the perpetuity of the Union; that, though men with unselfish and patriotic

motives might differ in their views, yet strength of intellect, cogency of reasoning and clearness of foresight as to results, and courage of conviction as to principles, would be valuable guides in determining which of conflicting interpretations of the Constitution as applied to new conditions was more nearly in harmony with the ultimate intent and purpose of the framers of the instrument, then, I think, we must agree that the adoption of a sound interpretation involved not only the technical skill of a great judge, but the highest abilities of a great statesman, and that to Chief Justice Marshall should be accorded preëminence in this constructive statesmanship. He carried into the discussion of constitutional questions that fairness and impartiality which we traditionally demand of a judge, but seem rarely to expect of a statesman. His reasoning was legal reasoning, his conclusions were legal conclusions, and his judgments were fortunately the judgments of a court, and not of the forum. Greater judges have sat upon the bench than he. Story, Taney, and Gray had better knowledge of the branches of law included within the scope of the jurisdiction of the ordinary courts. They knew the precedents and intricacies of admiralty, equity, and commercial law better than he. But in capacity for legal thinking, and power of legal reasoning, he was inferior to none, and in the clear grasp of the principles on which the Constitution rested, and the problems which must be worked out in its interpretation, he was superior to all. And thus he was a statesman, and a greater statesman because he was a great judge.

III

I have dealt in these generalizations because it would be impossible, within the reasonable limits of this paper, to discuss in detail the work which Marshall actually did, and to point out the specific beneficent results which have flowed from his wisdom and sound judgment. But I should feel that my characterization of him and his accomplishments was empty and impotent indeed if it rested in the mere statement of them. I cannot do better in justifying what I have said, nor do less in justice to the character and ability of Marshall, than to point out in specific instances some of the problems presented to him, the strength of reasoning and judgment with which he sought their proper solution, and the conclusive proof of the wisdom of the conclusions finally reached, as established by subsequent events in our national history. And for this purpose I have selected a few of the most noted cases in which he announced the conclusions of the Supreme Court, confining myself, as more appropriate for this paper, to those involving the exercise of the wisdom of the statesman rather than those showing merely his skill and learning as a judge.

The case of *Marbury v. Madison*, decided by the Supreme Court in 1803, that is, within less than two years after Marshall's appointment, was the first of the great cases in which the Chief Justice expounded the nature of the power conferred by the Constitution upon the federal judiciary. It is the first case, and the conclusive one, indicating on the part of the court an intelligent appreciation of the unique position in which that court was placed in our system of government, and the resolute courage essential to the full and bene-

ficial employment of that power. Up to this time the court had temporized when approaching the determination of its relations to the other departments of the government. Now those relations were to be made clear and definite.

The case was briefly this: John Adams, who, as President, had been unable to secure a reëlection because of the dissatisfaction of some of the leading Federalists, and because of the breaking down, which perhaps was inevitable, of the Federalist party, was about to retire and give place to Thomas Jefferson, the choice of the then so-called Republicans. The term of office of certain justices of the peace for the District of Columbia had expired, and on the last day of his administration Adams had sent to the Senate nominations to fill these offices, which had been ratified, and the commissions, duly made out and signed by the President, had been deposited during the very last hours of the administration in the office of the Secretary of State, ready to receive the official seal of the United States, which by law was placed in the custody of the Secretary, and to be recorded and delivered. President Jefferson had treated the commissions not thus sealed and delivered at the hour when his term of office commenced as invalid, and had made other appointments to the offices. One Marbury, claiming appointment under Adams, asked the issuance of a mandamus by the Supreme Court of the United States to compel the new Secretary of State, James Madison, to seal and deliver his commission, and it was argued for him, first, that the Supreme Court had jurisdiction to award an original writ of mandamus; second, that such writ could issue to the Secretary of State so far as his duties were ministerial and pre-

scribed by law, and third, that the present case was a proper one for the exercise of such authority. So far as appears from the report of the case no argument was made on the other side.

The Chief Justice, in delivering the opinion of the court, considered, first, whether Marbury was entitled to his commission, and on this point held that after it had been signed by the President and delivered to the Secretary of State, nothing remaining essential to its validity save the ministerial act of sealing, recording, and delivering, it became valid, and Marbury was entitled to it, and his right was of such nature that a court should protect it by proper process, the writ of mandamus being the appropriate writ for that purpose. Second, that in respect to the ministerial duties, imposed on the Secretary of State by law, to affix the seal of the United States in proper cases, make record in his office of such instruments as this when duly signed and sealed, and deliver them to the proper persons, the Secretary of State was a mere ministerial officer, the performance of whose duty in a proper case could be enforced by legal process. Third, that an act of Congress which authorizes the Supreme Court to issue original writs in case of mandamus was unconstitutional, because by the Constitution itself the original jurisdiction, as distinct from the appellate jurisdiction of the Supreme Court of the United States was defined and limited, and did not extend to such a case. The result was that the Supreme Court declined to interfere, and Marbury was defeated.

But the opinion of the Chief Justice was bitterly assailed at that time by the supporters of the administration of Jef-

ferson on account of the assertion of its authority to control the acts of an officer of the executive department of the government, and it has since been criticised repeatedly by those who consider themselves the followers of Jefferson because of the assertion by the court of the power to declare a statute of Congress to be unconstitutional and void. It will be seen that these two grounds of criticisms have no necessary connection with each other, though they have this in common that each relates to an assumed usurpation of authority by the judiciary over coördinate branches of the government. As to the correctness of the first point there is no longer any controversy. It has become established law, as indeed it was at the time the decision was made, that a ministerial officer is subject to the control of the courts as to the execution of his trust, and when it was made clear that the Secretary of State was in respect to the duties in question a purely ministerial officer, whose duties were pointed out by statute, and not a mere agent of the President, the head of the executive department, it was demonstrated to a lawyer that judicial inquiry into the performance of the duty required by statute was proper. Chief Justice Marshall takes great pains to make this distinction clear, for he says that where the head of a department "is directed by law to do a certain act affecting the absolute rights of individuals, in the performance of which he is not placed under the particular direction of the President, and the performance of which the President cannot lawfully forbid, and therefore is never presumed to have forbidden, as, for example, to record a commission or a patent for land, which has received all the legal solemnities, or to give a copy of

such record; in such cases it is not perceived on what ground the courts of the country are further excused from the duty of giving judgment that right be done to the injured individual, than if the same services were to be performed by a person not at the head of a department."[1] And he further says that "the province of the court is solely to decide on the rights of individuals, not to inquire how the executive or executive officers perform duties in which they have a discretion. Questions in their nature political, or which are by the Constitution and laws submitted to the executive, can never be made in this court. But if this be not such a question, if so far from being an intrusion into the secrets of the cabinet it respects a paper which, according to the law, is upon record, and to a copy of which the law gives a right on the payment of ten cents, if it be no intermeddling with a subject over which the executive can be considered as having exercised any control, what is there then in the exalted station of the officer which shall bar a citizen from asserting in a court of justice his legal rights, or shall forbid a court to listen to the claim, or to issue a mandamus, directing the performance of a duty not depending on executive discretion, but on particular acts of Congress and the general principles of law?"[2] And yet, this clear and conclusive reasoning on the question, which was according to well settled law, furnished the occasion of much bitterness of feeling on the part of President Jefferson and his friends, and was made the excuse by the President for expressions of distrust, which were reiterated from time to time, until he finally

[1] 1 Cranch, 171.

[2] *Ibid*, 170.

said: "It has long been my opinion that the germs of dissolution of our federal government are in the constitution of the federal judiciary, an irresponsible body, working like gravity, day and night, gaining a little today and a little tomorrow, advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped." President Jefferson[3] was the one detractor to impugn the honesty of the motives which actuated the Chief Justice in rendering this decision. It is not necessary to attribute to Jefferson conscious unfairness or low partizanship in explaining his attitude towards Chief Justice Marshall and the court over which he presided. It is enough to say that it is not given to many men to be in all directions equally great, and it was the conspicuous defect of Jefferson that he could not appreciate the necessity of that stability, certainty, and order in the operations of government which is afforded by incorporating into it the administration of law as a coördinate branch, and that he could not credit to a judge the impartiality which by legal training becomes to him a second nature. If so able a man as Jefferson could so far misunderstand the necessities of a federal system of government as to pen the Kentucky Resolutions, or so far misconceive the functions of a court as to insist that it should in some way be amenable to the vicissitudes of the popular whim, it is not strange that throughout our national history there have been many, less strongly endowed with intellect than he, who have sought to discredit and belittle the value of the judicial interpretation of the Constitution, and judicial restraint upon the unlimited exercise of power. In objecting to this exercise of authority by the Supreme Court with

reference to an executive officer, the President was oblivious to history, for it was by the assertion of precisely this authority on the part of Parliament and the courts as against the administration of the King that the royal prerogative in Great Britain was most effectually limited and the rights of the people protected.

But the conclusion reached on the other branch of the case, that is, as to the power of the court to hold unconstitutional a statute of Congress attempting to confer upon it a new jurisdiction, was practically without support in previous judicial decisions, and the authority thus asserted has repeatedly been questioned by non-professional men whose judgment is entitled to some consideration as to a matter affecting a question of public policy. There was judicial precedent, but not of a conclusive character, and Marshall did not attempt to bolster his views by citing a few scattering cases in early State courts in which a like authority of the judiciary had been asserted or suggested, but struck out boldly on the sea of constitutional interpretation, guided by the compass of reason, the needle of which indicated a course calculable only from the fundamental theories of sovereignty and responsibility on which the Constitution was founded. The course indeed was plainly indicated. Hamilton had in the *Federalist* stated in a few sentences the controlling considerations. This is his terse and cogent language:

> Some perplexity respecting the rights of the courts to pronounce legislative acts void because contrary to the Constitution has arisen from an imagination that the doctrine would imply a superiority of the judiciary to the legislative power. * * * There is no position which depends on clearer principles than that every act of a delegated

authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this would be to affirm that the deputy is greater than his principal, that the servant is above his master, that the representatives of the people are superior to the people themselves, that men acting by virtue of power may do not only what their powers do not authorize, but what they forbid. * * * It can be of no weight to us that the courts, on the pretense of a repugnancy, may substitute their own pleasure to the constitutional intentions of the legislature. This might as well happen in the case of two contradictory statutes, or it might as well happen in every adjudication upon any single statute. The courts must declare the sense of the law, and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body. The observation, if it prove anything, would prove that there ought to be no judges distinct from that body.[1]

Marshall did not hesitate to endorse this line of reasoning, and he made it more clear and persuasive by his own illustrations.

The question, whether an act, repugnant to the constitution, can become the law of the land, is a question deeply interesting to the United States; but, happily, not of any intricacy proportioned to its interest. It seems only necessary to recognize certain principles, supposed to have been long and well established, to decide it. That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it, to be frequently repeated. The principles, therefore, so established, are deemed fundamental; and as the authority from which they proceed is supreme, and can seldom act,

[1] Lodge's *Federalist*, pp. 485–7.

they are designed to be permanent. This original and supreme will organizes the government, and assigns to different departments their respective powers. It may either stop there, or establish certain limits not to be transcended by those departments. The government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? The distinction between a government with limited and unlimited power is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested, either that the constitution controls any legislative act repugnant to it; or, that the legislature may alter the constitution by an ordinary act. Between these alternatives there is no middle ground. The constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it. If the former part of the alternative be true, then a legislative act contrary to the constitution is not law; if the latter part be true, then written constitutions are absurd attempts, on the part of the people, to limit a power in its own nature illimitable.[1]

But I cannot follow further his course of reasoning and illustration. Suffice it to say that as a legal proposition it has never been seriously questioned from this announcement of it until the present day, and it is only those who misconceive the functions of a court and the nature of the federal system who have seriously questioned it.

One other suggestion is pertinent with reference to this case, for it has been made the occasion of the only serious

[1] 1 Cranch, 176–7.

attack on the fairness of judgment of the great Chief Justice, and the only foundation in the minds of lawyers for imputing to him partisanship in the discharge of the duties of his judicial office. It is said that the case might have been decided by simply declaring the statute giving the court jurisdiction in such cases unconstitutional, as was done in the end, and then abstaining from the further discussion which was so obnoxious to the President and his friends as to the authority of the Secretary of State to withhold Marbury's commission. It is said that if the court has not jurisdiction, this should be declared at once and the merits of the case should not be considered. And unquestionably this is a sound rule in the performance of judicial duty. It is the rule which Chief Justice Taney unfortunately departed from, to his own great discredit and to the peril of the Union (though in the vain hope, it must be said, of perpetuating rather than imperiling it) when in the Dred Scott case, after finding that the court had no authority to entertain jurisdiction because Dred Scott, a former slave, was not a citizen, he proceeded to discuss at length and to declare invalid the provisions of the act of Congress known as the Missouri Compromise, which prohibited the further extension of slavery into portions of the territory of the United States from which by that act it was forever excluded. Those who have looked at the matter superficially have been inclined to say that Chief Justice Marshall as well as Chief Justice Taney erred in the attempt to commit the court unnecessarily in matters not directly involved in the adjudication of the case before it. But it has been pointed out, and I think with sound reason, that Chief Justice Marshall pursued the proper course of entering upon a

discussion of the constitutionality of an act of Congress only when, after determining every other point on which the case could be decided, it appeared that the determination of the constitutionality of the legislative act was absolutely essential. He properly, therefore, postponed that question until it became apparent in the course of the discussion that it could not be avoided. Chief Justice Taney on the contrary, after holding that the court had no jurisdiction of the case, proceeded unnecessarily to discuss the constitutionality of an act of Congress. The comparison, instead of showing Chief Justice Marshall to be subject to the criticism which is properly made on the action of Chief Justice Taney, shows clearly that Marshall exhibited proper deference to the legislative department, while Taney unnecessarily pursued the opposite and unjustifiable course.

The powers and functions of the court having been settled by this early decision, the court had occasion in subsequent cases to consider many questions as to the extent of the powers of the federal government and its relations to the States. Perhaps the most instructive case is that of *McCulloch v. Maryland*, decided sixteen years later, involving the constitutionality of the act incorporating a United States bank, and the power of a State to tax a bank created by federal authority. The first Congress under the Constitution, acting under the advice and at the urgent solicitation of Hamilton as Secretary of the Treasury, who regarded such an institution at the time as one of the most promising agencies for promoting the welfare of the country by giving the government credit and stability, chartered the Bank of the United States, and that bank established a branch in the

city of Baltimore. The legislature of Maryland, however, in 1818 passed an act "to impose a tax on all banks or branches thereof in the State of Maryland not chartered by the legislature," thus plainly raising the issue, not merely whether the bank created by the federal government could be subjected to the same taxing laws as those institutions created by the authority of the State, but whether the State could, by discriminative legislation, prevent the federal institution from carrying on its business in the State in competition with banks existing under State authority. Suit was brought by the State against the officer of the Baltimore branch of the United States Bank for the recovery of the taxes claimed to be due to the State under this statute, and the decision of the State court being that the tax must be paid, the officer acting for the bank appealed to the Supreme Court of the United States. Elaborate arguments for the bank were made by Webster, Wirt (as Attorney-General) and Pinkney, and for the State of Maryland by its Attorney-General and others.

It may be noticed as interesting that although the establishment of the Bank of the United States had been strongly opposed by the anti-Federalists, and the control of the government was in the hands of their successors, who had come to be known as Democrats, Monroe being President, there was no partisan feeling at this time with reference to the existence of the bank. Its powers had been extended, with the approval of Jefferson, during his administration, and its charter had been renewed under the administration of Madison. The fact is, that strongly as Jefferson and his political sympathizers had resisted every measure calculated

to make the government of the United States under the Constitution effective, they cheerfully accepted the machinery provided for them by Hamilton and his associate Federalists, and administered it with great satisfaction to themselves, and with eminent success.

The case involved, therefore, not in a partisan, but in a fundamental way the ultimate question of the authority of a State to interfere with the operations of a corporation created by the United States, and I know of nothing to indicate that the Democratic administration sympathized with the effort of the State to interfere by discriminative legislation with the discharge by the bank of its functions as a creature of the federal government. Nevertheless the original contention that the federal government had no authority under the Constitution to charter a banking corporation, coupled with the further argument that even though such action had been justifiable on the ground of necessity when the bank was first created, the necessity had disappeared and the power no longer existed, was urged upon the court, and in disposing of this contention Chief Justice Marshall had occasion to announce in plain terms, and as the result of an incontestable course of reasoning, the rule as to implied powers, and the doctrine of liberal interpretation.

It is impossible to reproduce here, even in outline, the points of his argument. His unanswerable logic has never been refuted, and in fact no systematic attempt has ever been made to refute it, and his conclusion that, although the government of the United States is one of enumerated and not of general powers, yet under the authority given by the Constitution to Congress to make "all laws which shall

be necessary and proper for carrying into execution" the powers vested in it, Congress has authority to pass all laws appropriate to the exercise of the authority conferred upon it, is announced in one cogent sentence:

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution, are constitutional.[1]

But let it be observed that this doctrine, neither in its theory nor its application, involved the general assertion of unlimited power within the discretion of Congress as to the unexpressed purposes for which the federal government was created. Marshall puts his finger on the express provisions of the Federal Constitution from which the power to create a bank must necessarily and properly be inferred, and uses no language which would relieve us from the necessity of putting our fingers on the specific provisions of the Federal Constitution relied upon when we assert for the federal government an implied power.

In determining the other branch of the case, that is, the question of the power of the State to interfere by taxation or other discriminative legislation with the exercise of its legitimate powers on the part of the federal government, the opinion of the Chief Justice is equally fundamental in the premises assumed and conclusive as to the results reached. Here again he founds his reasoning on the language of the Constitution itself:

> This constitution, and the laws of the United States which shall be made in pursuance thereof * * * shall be the supreme law of the

[1] 4 Wheaton, 421.

land, and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

Whatever be the power given to the federal government, in the exercise of that power it is supreme, and no State authority can limit or interfere with its assertion; and from this premise, found in the fundamental charter which the people have given to the federal government, follow conclusions as far reaching in their logical scope as they have been beneficent in their application. Indeed, the case of *McCulloch v. Maryland* has furnished the clew for the solution of a multitude of questions arising in the operation of our complex system of government, involving as it does a divided sovereignty as between the States and the federal government, each sovereign and supreme within the scope of its legitimate powers. I need not trace the line of subsequent decisions as to the right of the States to interfere with the operations of banks chartered by the federal government by taxation or otherwise, except in so far as the right of taxation is conceded to the States by the federal authority.

In the subsequent case of *Osborne v. United States Bank*, the whole matter was again reviewed by the Supreme Court in the light of arguments by Webster and Clay in support of the federal power, resisted in this instance by the State of Ohio, which, without resorting to the forms of taxation, had appropriated to itself by way of penalty or forfeiture a part of the property of the United States Bank. Chief Justice Marshall in an elaborate opinion in this case again went over the whole ground. Nor need I refer to the subsequent cases in which the principles announced in *McCul-*

loch v. Maryland were applied in determining that, without the consent of the United States, no State can levy taxes upon the notes, bonds or other securities issued by the federal government in the exercise of its legitimate functions. But the conclusive solution of the whole question as to the right of a State to tax the agencies or instrumentalities which the United States government sees fit to make use of in the exercise of the authority vested in it by the Constitution is found in the terse statement by the Chief Justice that the power to tax or regulate involves the power to destroy, and that the power on the part of a State to destroy is hostile to and incompatible with the power of the federal government to create and preserve, and that where any such repugnancy exists that authority which is supreme must control, not yield, to that over which it is supreme." "The sovereignty of the state," he says, "extends to everything which exists by its own authority, and is introduced by its permission, but it does not extend to those means which are employed by Congress to carry into execution powers conferred on that body by the people of the United States."[1]

The same line of reasoning has been followed in the many cases involving the validity of State laws as affecting interstate commerce. The first of these was that of *Gibbons v. Ogden*, in which the right of the State of New York to give an exclusive franchise to private parties for the purpose of operating vessels propelled by steam power upon the waters within the jurisdiction of that State was questioned. As illustrating the importance of the case, the interesting fact

[1] 4 Wheaton, 429.

was pointed out in the arguments of counsel that the State of Connecticut absolutely excluded from the waters within its jurisdiction, including a portion of Long Island Sound, those vessels having a license from the State of New York, while the State of New Jersey, under a system of reprisal, was imposing upon vessels entering into its waters with New York license the same penalties that were imposed by the State of New York on vessels coming from New Jersey and interfering with the exclusive privilege which New York had given. In other words, the States of Connecticut and New Jersey were in an attitude of hostility towards the State of New York with reference to commerce coming from that State on account of the attempt of New York to grant an exclusive monopoly to steam navigation within its own waters. That such a conflict might ultimately lead to consequences as disastrous to commerce as a state of war was evident, and yet, unless there was something in the Federal Constitution to render invalid such State legislation, there was no reasonable hope for relief from the resulting interference with interstate commerce.

Gibbons was the owner of certain vessels operated by steam, and had obtained from the United States a license to engage in the coasting trade, a trade which Congress assumed power to regulate by virtue of the provisions of the Constitution giving it authority with reference to foreign and interstate commerce. Ogden, as the assignee of the rights of Livingston and Fulton, who had the exclusive monopoly from the State of New York, sought in the courts of New York to enjoin Gibbons from operating his vessels within the limits of the State, even though coming into its

waters from another State, and, therefore, being engaged in carrying on commerce among the States. In the Supreme Court of New York, and on appeal in the Court of Errors of the same State, the exclusive monopoly granted to Livingston and Fulton had been upheld as against the contention that it interfered with Gibbons' rights under the Constitution of the United States to carry on interstate commerce, and especially to operate his vessels in New York waters under the license given him by the federal government. Gibbons appealed to the Supreme Court of the United States, and his case was presented to that tribunal by Webster and Wirt, who took the broad ground that State interference with interstate commerce was invalid. Emmett on the other side contended that the powers of the federal and State governments as to interstate commerce were coördinate, there being nothing in the language of the Constitution to indicate an intention to make the authority of the United States in that respect exclusive.

The opinion of Chief Justice Marshall contains an exposition of the nature of the power to regulate interstate commerce, declares that such regulation extends to navigation, and every species of commercial intercourse among the States, and does not stop at the external boundaries of the State, and the court supported him unanimously in the conclusion that the exclusive privileges granted to Livingston and Fulton were invalid so far as they were invoked to prevent such commerce. As indicating the original and fundamental character of the reasoning employed it may be interesting to note that Webster and Wirt cite but two or three authorities in the course of their extended arguments, as

reported in the Supreme Court reports, and that, although many authorities are referred to on the other side, the Chief Justice cites none whatever in his extended and elaborate opinion. Where the conclusion reached must depend upon reasons which could not in the nature of things have been presented to other courts for conclusive adjudication he evidently thought that the strength of the reason, and not the multitude of authorities which might be collaterally referred to, would alone justify the conclusions reached.

Again, in *Brown v. Maryland*, the question as to the power of a State to interfere with interstate commerce was presented to the court. Brown had brought into Maryland a cargo of goods, paying the United States import duty. The State of Maryland attempted to compel him to pay a tax for the privilege of selling these goods, imposed on importers only, by way of a license, and it was contended by counsel for Brown, one of whom was Wirt, that this was an unconstitutional interference with the power of Congress under the authority given to it to regulate foreign and interstate commerce. Taney on the other hand, as counsel for the State of Maryland, contended that this was not a duty on imports, nor was it an interference with the power of Congress to regulate commerce. But the Chief Justice expressed the opinion of the court to the effect that such a license tax was in effect a duty on imports, and also that it was an interference with the power of Congress under the commerce clause, and suggested that the same objection would exist if an attempt were made to impose such a license tax on the sale by the importer of goods brought into a State from a sister State. This case is notable because it contains

the first pronouncement of the court with reference to original packages, and it is a case constantly referred to as fundamental in the subsequent discussion, which has extended down to the present time, as to the authority of a State, in the exercise of its power of police regulation, to interfere with the sale of goods which are brought into the State in pursuance of interstate commerce.

It is impossible to pursue further the ramifications of the controversies which have constantly arisen, and must still arise, in determining the respective limits of State and federal authority. One other class of cases, however, must be referred to, namely, those involving the power of the Supreme Court of the United States to review the action of the highest tribunals of a State in cases involving some right, privilege, or immunity claimed under the Constitution, laws, or treaties of the United States wherein the decision has been against the person relying on such right, privilege, or immunity. The question was first discussed and elaborated by Justice Story in *Martin v. Hunter's Lessee*, on writ of error from the Court of Appeals of Virginia; but later, in *Cohens v. Virginia*, the whole subject was elaborately reargued by Barbour, later one of the justices of the Supreme Court and an extreme strict constructionist, on the one hand, and by Ogden and Pinkney on the other, and Chief Justice Marshall, delivering the opinion, shows the magnitude of the questions involved by saying that the contention on the part of the State of Virginia is that "the nation does not possess a department capable of restraining peaceably and by authority of law any attempts which may be made by a part against the legitimate powers of the whole, and that

the government is reduced to the alternative of submitting to such attempts or of resisting them by force." "They maintain," he says, "that the Constitution of the United States has provided no tribunal for the final construction of itself or of the laws or treaties of the nation, but that this power may be exercised in the last resort by the courts of every state in the Union; that the Constitution, laws and treaties may receive as many constructions as there are states, and that this is not a mischief, or, if a mischief, is irremediable." Quoting then the language defining the power of the federal judiciary, he continues:

> The American states, as well as the American people, have believed a close and firm union to be essential to their liberty and to their happiness. They have been taught by experience that this union cannot exist without a government for the whole, and they have been taught by the same experience that this government would be a mere shadow that must disappoint all their hopes unless invested with large portions of that sovereignty which belongs to independent states.[1]

Without further quotation it is sufficient to say that the court entertained no doubt under the language of the Constitution of its power to review the action of the highest tribunal of a State wherein a right or privilege claimed under the Constitution or laws of the United States was denied, and declared that if the Constitution or laws may be violated by proceedings instituted by the State against its own citizens, and if that violation may be such as to essentially affect the Constitution or laws, such as to arrest the progress of the government in its constitutional course, these cases should not be excepted from those provisions which

[1] 6 Wheaton, 380.

expressly extend the duties and power of the Union to all cases arising under the Constitution and laws.

As to the power of the Supreme Court to enforce its judgments as against those acting under State authority, Chief Justice Marshall had already said in a previous case:

> If the legislatures of the several states may, at will, annul the judgments of the courts of the United States, and destroy the rights acquired under those judgments, the Constitution itself becomes a solemn mockery; and the nation is deprived of the means of enforcing its laws by the instrumentality of its own tribunals. So fatal a result must be deprecated by all, and the people of Pennsylvania [the case was one arising in that state] as well as the citizens of every other state must feel a deep interest in resisting principles so destructive of the Union and in averting consequences so fatal to themselves.

As the great interpreter for all time of the rules to be followed in construing the fundamental law and the authority of the Supreme Court to give a final and conclusive interpretation binding on all as to the construction of that Constitution and of the laws passed by Congress; as the first judicial champion of the supremacy of federal authority as embodied in the declarations of the Federal Constitution, the acts of Congress passed in pursuance thereof and the decisions of the federal courts interpreting and applying them, and the supremacy of the federal government over the States in those matters as to which the federal government is by the Constitution given authority, Chief Justice Marshall stands preëminent and without comparison as a judge and a statesman.

In justice to the subject, however, I must give one further illustration of the incontestable skill with which Chief Justice Marshall dealt with new and difficult questions. In

the case of *American Insurance Company v. Canter*[1] decided in 1828, was involved the relation of Florida, recently acquired from Spain and having a territorial government, to the United States. On the one side it was argued by Ogden that the Constitution of the United States at once extended over the newly acquired territory so that admiralty cases, which by the Federal Constitution are within the jurisdiction of the federal courts, could not be adjudicated by courts created by the legislature of the territory under the legislative power given to it by Congress; while on the other hand it was contended by Webster that the Constitution of the United States had no application to the government of a territory like this, formed out of the newly acquired province. These arguments have a familiar sound. They seem to suggest the question whether the Constitution follows the flag. But just as a patient investigation of the difficulties arising out of the recent acquisition of new territory will show that no glittering generality will furnish a satisfactory solution, so Chief Justice Marshall, in the decision of this case, committed himself to no broad generalization, but proceeded to ascertain the exact controversy before the court and to apply to its solution the plain tests furnished by careful constitutional interpretation.

He reached the conclusion that "under the power of making war and making treaties, the goverment of the United States possesses the power of acquiring territory, either by conquest or by treaty." Inasmuch as the treaty with Spain by which the territory was acquired, provided that the inhabitants thereof should be admitted to the enjoyment of

[1] 1 Peters, 511.

the privileges, rights, and immunities of citizens of the United States, he found it unnecessary to determine whether without such provision the inhabitants would be in that condition. He found further that under the power to "make all needful rules and regulations respecting the territory or the property of the United States," Congress had authority to establish a territorial government and to authorize that government to establish courts, and he concluded that the power of Congress in providing either directly for the establishment of courts or in authorizing the territorial legislature to provide for such courts, was not limited by the language of that article of the Constitution defining the jurisdiction of the federal judiciary; in other words, that in providing for the government of acquired territory Congress is not limited to those enumerated powers conferred upon it with reference to territory and people existing under the established governments of the States of the Union. What he decided has long been acquiesced in without controversy. His authority is invoked on each side of the question still unsettled as to the relations of the inhabitants of our newly acquired territories to the federal government. Nothing could more conduce to a satisfactory solution of present uncertainties growing out of the new situation confronting the Supreme Court than that patient, clear, impartial, and statesmanlike frame of mind which Chief Justice Marshall so successfully employed in the solution of the greater and more difficult questions with which the Supreme Court was confronted during the thirty-five years of his administration as Chief Justice.

It is not necessary for a just and proper appreciation of the services which Marshall rendered to his country to maintain that his contributions were greater than those of any

other. Many States together make the Union, no one is primarily essential to its existence; there are three departments of the government, no one of which is superior to the other two; great men contributed their strength and their wisdom to the development of our system of government, but it is not for us to say that the contribution of one was essential or valuable rather than that of another. Washington was the great leader, holding together discordant elements and influences which, without his power of command, would have made for separation and rendered independence and union impossible. Hamilton furnished the great organizing brain, which, with marvelous skill and foresight, proposed the measures of finance and admistration which were essential to bring order out of chaos and infuse strength into weakness. Jefferson brought the scheme of government into responsive touch with the popular will, without which it could not have permanently existed. Marshall expounded the principles which must govern the various departments in their relation with one another and the federal government in its relation with the States in order that by peaceful means all controversy should be determined and all friction avoided. Had the true force and significance of the principles he announced been appreciated and recognized, even an attempt at disunion would have been impossible. It was not his fault that such an attempt was made, but it is to his perpetual glory that the principles which he announced have prevailed over all opposition, and that the great and enlightened government of a reunited country continues to recognize them as the landmarks by which its course is guided.

Emlin McClain

Supreme Court Chambers
Des Moines

PROBLEMS IN THE ADMINISTRATION OF IOWA

Since the close of the Reconstruction period in American history many students of government have been impressed with the belief that the most useful work which they can find to do is no longer in the field of constitutional history and constitutional law. With the advent of the Hayes administration and the withdrawal of the federal troops from the South, most of the questions there involved received, if a crude, a comparatively tenable settlement. Hence the turning and the change from grand to *petit* political thought, from the outline to the anatomy. Hence the flood of discussion which of late years has emphasized the business, rather than the philosophy, of government. We have moved from the study of constitutional to the study of administrative law.[1] And, whatever may have been the

[1] It may be well to indicate briefly the sense in which administrative law is here distinguished from constitutional law. Constitutional law prescribes the structure and the organization of government, defines sovereignty, and regulates its exercise; administrative law is concerned with the business of government. But the study of organization is essential to the study of administration. Moreover, the minutiæ of organization are administrative rather than constitutional. Administrative law has to do more properly with what Wilson names the "ministrant" functions of government.—Woodrow Wilson's *The State*, p. 614.

But it is in fact almost impossible to draw a close distinction between administrative and constitutional law. They inevitably shade one into the other. I know of no statement which so excellently

compulsion of constitutional study in the past, from the standpoint of the necessities of the present the administrative is perhaps of more importance. Our problems of today are problems of execution, of public business management and service.

The problem of government in Iowa is the same as that of its sister States—one of efficiency, responsibility, and independence in the administration, both State and local. It is a complex problem, and one that will be fully solved, no doubt, only after many painful trials. But the essential that is fundamental to its solution, that which must precede all others, is the delimitation of the spheres of local and State government and the fixing within these spheres of the services that properly belong to each.

The characteristic of the American State government of the past hundred years has been its complexity and confusion, obscuring or destroying responsibility, until oftener than not it has been a snare and a trap to the elector, and a haven to the politician. Ask the man in the street today,

brings this out, and so well shows the relation of the two fields of law, as the following, by Luigi Miraglia. He says: "*L'amministrazione sta alla constitiozione come l'attività alla forma immanente, come la funzione alla struttura degli organi. E pochè non è possibile intendere effettivamente la funzione degli organi, senza conoscerne la struttura, così non si può separare il Diritto amministrativo dal constituzionale. L'uno e l'altro sono parti integranti del Diritto Pubblico interno, sebbene nell 'uno predomini il momento dinamico, e nell 'altro prevalga il momento statico. L'amministrazione rappresenta l'azione molteplice e continua del potere esecutivo, ossia l attività per eccellenza; la constituzione rappresenta invece la base solida su cui procede questa funzione.*" In *Atti della Reale Accademia di Scienze Morali e Politiche, di Napoli*, 1883, v. 17, p. 7.

what branch of the government is acting when a policeman exercises the duress of the law upon his person, and it is likely he could not answer. If he chanced to live in Kentucky or New York, he would find eventually that the officer represented the local or municipal authority; whereas, if he lived in Michigan, Nebraska, Kansas, Maryland, or Iowa, that same officer would represent the State alone.[1]

"What," he would say, "are not these policemen of Des Moines, Sioux City, Burlington, who are appointed and confirmed by local authorities, officers of the city?" Let him seek to recover damages of the city for the negligence of such an officer, and he will learn to his loss the true inwardness of his error.[2]

This is but an example. How many others might be adduced —in the public health, the public safety, education, taxation, corrections, charities, highway management, and indeed in almost every branch of government! The power is now here, now there, in State, in county, in city, in town, according to the particular Commonwealth had in mind and the particular year in that Commonwealth's history with which the inquiry is concerned. And, to make confusion worse confounded, not only must one be uncertain of the source of power, but often he finds an officer who in the last analysis is exercising a purely State function, labeled by the very law itself a municipal or county officer, and as such he votes for that officer! Or the thing may be just reversed. If then, the great desideratum in American government be

[1] See Frank J. Goodnow, *Municipal Home Rule*, p, 88.

[2] See, for example, *Lahner v. Town of Williams*, 112 Iowa, and cases cited therein.

efficiency, responsibility, and independence in administration, what more pertinent than the assertion that before we can construct we must clarify. Will a servant be efficient or responsible when he is in doubt as to whom (excepting always to his political creator) he owes allegiance? Can he be independent when two sets of authorities, however erroneously, claim him?

We may examine, though very briefly and in a general way, to see to what degree the State of Iowa, in the course of its administrative history, has created distinct spheres of State, and, to a lesser degree, of municipal administration. Equipped with this information, we may be able to form some opinion both of the general excellence and of the deficiencies of our organization. The fields with which we shall be concerned are public education, charities and corrections, public health and safety, and public finance; for it is in these fields, more particularly, that the debatable questions have arisen, that the local organization has trenched upon the State, or the State upon the local, with its attendant confusion of responsibility.

PUBLIC EDUCATION

The history of the administration of education in Iowa may be divided roughly into six periods, as follows:

1. 1839–1842. Organization of the School System. Territorial Superintendent.
2. 1842–1847. Period of Decentralization and Demoralization.
3. 1847–1858. Period of Union of the Educational and Financial Administration of the Schools.

4. 1858–1863. Règime of the State Board of Education.
5. 1863–1870. Period of Quiescence or Comparative Reaction.
6. 1870–1903. Period of Growth, both in Central and Local Administration.

The first, third, fourth, and sixth of these periods are all marked by a greater or less degree of centralization,[1] though the sixth is more typical of the average tendencies throughout the entire educational history than any of the others. The second period may be most properly characterized as one of demoralization, the fifth as one of reaction toward legislative non-interference, both, though the latter only slightly, bringing in their train a certain decentralization.

As early as 1841 Iowa had a territorial Superintendent. He was a vigorous man, a man with almost a genius for organization, imbued with an enthusiasm for the constructive work before him remarkable in a day of pioneer difficulties. With the creation of this office, and with the not entirely *bona fide* legislation for township and school

[1] The argument throughout is one for centralization, but not centralization in the odious sense in which the word is sometimes employed. It is not believed that there should be any diminution in local self-government. On the contrary, any function exercised by the State which concerns the locality personally, rather than the State, should be transferred to the locality. But at the same time, Commonwealth functions, mistakenly administered by local officers, should be returned to the State's control. Centralization of the kind defined and denounced by Toulmin Smith, to whose scathing language John Fiske has given his support, is not at all that considered in this discussion. See Fiske's *Civil Government in the United States*, p. 274.

district organization, it seemed that the Territory was about to claim the schools as its own especial charge, and make their direction and sustenance by itself of real significance. But it was only a passing shadow. Within a year the office of Superintendent was abolished—a step in retreat—and until the new State government was ushered in, there was little of educational progress. The law abolishing the office of territorial Superintendent provided that the reports from the school units, which had been made to the Superintendent, should now be made to the Legislative Assembly. Thus the legislature would assume the central administrative control, and address its fiat no longer to an administrative intermediary, but to its own august person. Perhaps we may excuse the legislators, for it is possible that the shades of Montesquieu or the Fathers were not present at this heroic violation of political science—the legislative library had been very slow in getting across the prairies and up the waterways. But the sorry part of it is this, that the legislature, which had appointed itself thus to administer, administered not at all. There is little evidence that the reports from the school districts were ever made to it. There is practically none that the legislature was much concerned at this. In a day when organization was the prime, almost a clamoring necessity, when the legislature had at its hands the man who could do this work, it turned its back upon the obligation, and in consequence public education was stranded for a season.

In 1847 a law was passed providing for a State Superintendent of Public Instruction. Some years afterwards, county school fund commissioners—the precursors of the

county superintendents—were created, and from then until 1857, there was from the financial point of view, a greater degree of centralization in the school administration than has ever been known since that time. These educational officers were made custodians of the school fund, which, derived from the public lands granted to the State by the United States government, constituted a very large part of the school support. But it was an unhappy combination; for the school fund commissioners, if we may judge from the arraignment which they have received at the hands of more than one Governor and Superintendent, were about as incompetent a class of civil servants as Iowa has ever known. Moreover, the union of financial and educational duties in the State Superintendent was not fortunate, and was decried by the incumbents of this office almost from the first. And so strong did the sentiment upon this matter become that in 1857, when the new Constitution was framed, it was ordained therein that thenceforth the financial administration of the schools should be in the hands of purely financial officers.

It was in 1857 that the celebrated commission for the revision of the school laws made its report, and this, together with the constitutional provision above noted and those creating the State Board of Education and providing that the State University should consist of a single institution, permanently located at Iowa City, mark the year as the most significant in the history of educational administration in Iowa. The legislation, to which the report stood as a sponsor, marked the adoption of the free school, of the compromise township district system, and of the county

superintendency, all elements of the very foundation and structure of the present school system.

The régime of the State Board of Education, from 1858 to 1863, must be considered a remarkable chapter in American institutional history. The Board was made a distinct legislature for school matters; every law connected with the schools, except laws involving contractual and money obligations, must originate with it; and over the acts thus passed the General Assembly had only a power to amend and alter. The history of this Board is replete with curious instances of friction and strife—the results of an instrument of government not well adjusted to the other parts of the State administration, indeed, almost a violation of what may be deemed the canons of constituent polity. These episodes, however interesting, may not give us pause here. It is to be observed, however, that in the legislation by the Board two important steps toward centralization were taken; first, the school tribunals were erected, the county superintendent being made the court of first, and the secretary of the Board the court of final, instance; second, the State Board of Educational Examiners, in its first form, was called into being.[1]

In 1863, when the State Board of Education was abolished and the State Superintendent again created, the legislature seems to have been disinclined to push further the State control. Disintegration in the school unit again set

[1] This Board, as originally constituted, was composed of the faculty of the State University. During its career but seventeen persons applied for certificates, eight of whom were rejected. The Board was abolished after some years, and the present State Board of Educational Examiners was created in 1882.

in, the creation of the compromise township district having given it a temporary check. The powers of the county superintendent were enhanced somewhat, while the powers of the State Superintendent were increased not at all. About 1870, however, though the date is rather arbitrary, the central control again began to receive accessions of strength, and down to the present time this has continued, until to-day it may be said that the armor of centralization is almost complete, and practically all that is needed now is that it shall be riveted together. But that may not be done for many years.

Let us examine to see how it is that the State has come so near to, yet still remains a measurable distance from, central control. We need cite but a few points. The power of the State Superintendent to publish the courses for the common schools; this, with the change of a word or two, will bring the power to direct, to a large extent, the observance of these courses. His power to pass upon courses in higher schools awaits only the provisions for assistants in his office to render it effective. His power to appoint substitutes when county superintendents fail to make reports is the next step to the power to appoint substitutes when they fail in any of their duties. It is very near to the power of removal. The ever increasing authority of the State Board of Educational Examiners to grant various certificates on examination, and its power to revoke such certificates, are not far from a complete central control of teacher's examinations. Its authority to inspect private normal schools and accredit them, and to enter into reciprocal relations with other States in granting certificates, clears the way for the

assumption in time of almost complete direction of the educational qualifications of teachers. The manual prepared by the State Teachers' Association, and published under the authority given the State Superintendent to prepare a course for high schools, has created a standard for high schools that, once given statutory sanction, may bring the day of State examination of high-school students. And the laws making the State Superintendent a member of the boards of the three State educational institutions, and president of one of them, and the Governor a member of two and the president of one, have pointed the way toward the welding of all the school interests under one supervisory authority. In fact, there is hardly a direction in which some step has not been taken toward central control, except in the matter of common school finance, other than the school fund, and the regulation of the independent colleges, other than the normal schools. And yet it must be said that the great, the vital, powers of educational administration are to-day exercised by the local authorities.

CHARITIES AND CORRECTIONS

The most important act in the development of the charities and corrections of Iowa was that of March 26, 1898. This act at one stroke consummated the centralization of the control of State institutions under the Board of Control. Only second in importance was the act of April 7, 1900, which provided that the Board of Control should have power to inspect and supervise local institutions, county or private, in which insane persons are cared for. This law marked the first step toward the central direction of local

administration in the administration of charities and corrections. Though the administration of State institutions and the administration of local institutions are closely related, it will conduce to clearness if they are distinguished and discussed somewhat apart. And first, of the local administration.

The local administration of charities in Iowa has been confined to poor relief, and, largely as an incident thereto, the care of the insane. The care of the blind, of the deaf and dumb, and of the feeble minded, has ever been assumed by the State. Local correctional or reformatory administration is lacking, while that of a punitive character is confined to the prisons or jails.

The care of the poor, throughout the entire history of the State, save for a brief wavering at its beginning, has been a charge upon the county. And, since 1851, the counties have been left amenable to their own consciences in the care and inspection of the jails. Previous to 1851 only the general laws regulating the management of prisons and the care of prisoners afforded any guaranty that abuses would not exist, and though bills have been introduced at various times for a State prison commission, none has been enacted into a law. And it is probable that in the jails there are to be found at the present time conditions as deplorable as were those in the local institutions where the insane are kept before the act of April 7, 1900, became a moving force.

This act imposes upon the Board of Control the duty of inspecting, through its own members, or persons appointed by it, all private and county institutions, where insane persons are cared for. The advance was made not in response

to any avowed intention to centralize charities generally in the care of the State, but simply because it was essential to give the Board this power, if its authority in regard to insane already in the State asylums was to be adequate.

The administration of the State institutions evinces two chief periods: that from the foundation of the institutions to 1898, a period of large administrative independence; and that from 1898 to the present time, a period of administrative dependence upon the central board. But there is the lively suggestion, at least, of a third period, a period of agitation and transition, with elements of limited centralization. Of the fitful career of the penitentiary at Ft. Madison, of its administration in a dozen different ways, of the rise and growth of the State institutions under varying forms of guidance and government—this their history down to 1898 would tell. But for want of space we may dispatch it here with the observation that the usual type was administration by a local board of trustees, modified slightly in later years by a certain central authority exercised by the Governor and the Executive Council.

It may be said that the report of the Healy Investigating Committee of 1897 is the one document of prime importance in the history of the State charities and corrections. It constituted a cogent and severe indictment of institutional administrative independence. Faults and blemishes it found on almost every hand. Lack of uniform method in the purchasing of supplies for subsistence or construction purposes; the consumption of different grades of supplies in hospitals treating the same kinds of patients; the intermingling of different funds, in violation of law; the non-observ-

ance of statutory limitations in expenditures for specific purposes; total failure in some places to audit bills, or auditing after the bills were paid; the payment of different salaries for the same services by institutions of the same character; these were among its general criticisms, but there were many others, and the committee found itself forced to a radical conclusion. "We attempted," it said, "with some care to prepare a list of statutory amendments, but on reflection it was ascertained that the greater number of such amendments can properly form a part of a measure creating a central or supervisory board. The disease is organic, and too deep-seated for the use of palliatives."

And thus the most radical step that Iowa has ever taken in the reformation of its administration was witnessed. The Board of Control, if outward signs and every evidence of inward conditions are to govern the judgment, has been most successful. Indeed, it is to be doubted if any other branch of the administration has even approximated the excellent results that have been attained in charities and corrections under this high degree of centralization. It has been demonstrated that it has achieved a great financial saving, and it is averred that the improvement in the condition of the inmates of the various institutions, in the character of the service in such institutions, in equipment, and general *morale*, have been no less conspicuous. Certain it is that many in other States, seeking means to improve their administration of charities and corrections, have turned to Iowa for instruction. One supreme lesson we may read from this: that any radical change is not to be discredited simply because it is far-reaching and the offspring of temerity.

PUBLIC HEALTH AND SAFETY

Only in recent years has the health administration been considered in Iowa as much more than an accidental phase of government. An inland State, it has been free from those epidemics of foreign importation which occasionally have ravaged the coast States, epidemics that have caused the insistence upon strict quarantine and preventive measures. The advancement of the health administration in a number of eastern States has often been given its primary impetus by the yellow fever, the Asiatic cholera, or other scourge from abroad, until the State afflicted has made a virtue of necessity and brought its health administration to a high degree of perfection. There has been no such spur to the Iowa law-makers. Moreover, the lack of large cities and the diffusion of population over extensive areas have tended to conceal or moderate the appearances of disease, even when of serious extent, disease that might in congested districts, because of its more evident destruction, have aroused public demand for reform. Add to this the general conviction, founded as it is in fact, that the health of the State is unusually good, and it needs little further to explain the slowness with which the machinery of health administration has developed.

For it has developed slowly. Down to 1866 the health administration was purely an incidental function. The earlier laws took one of two forms, in the one case vesting in electors the duty of removing nuisances and otherwise caring for the public health; in the other, imposing this duty upon the mayor and council. Not until 1853 do we find specific provisions for health officers, and then only in

isolated instances. In 1866, however, the health administration was made an obligatory function, an act of that year having constituted the mayor and council of any incorporated town or city, or the trustees of any township not incorporated, a board of health. The powers of such board were full, definite, and described in considerable detail. The results of the establishment of such local boards, however, were not particularly obvious.

In 1880 a step was taken toward the supervision of the local boards by a State authority. In that year the State Board of Health was created. Legislatures are occasionally diverted, or practiced in statesmanship—it is difficult to tell which—by the creation of an apparatus calculated to produce or consume *ad libitum*, yet so cunningly put together as to have no digestive or assimilative paraphernalia whatever. The State Board of health had all the outward show and panoply of strength. Inwardly it was a vacuum. Local boards were required to report to it. There was little or no means to make them do so. Local boards were required to observe its regulations. Another instance of the irony of the law! The State Board should collect vital statistics. But the vital statistics collected have ever been notorious for their worthlessness. In fine, in everything that relates to its connection with local boards, the State Board of Health, until the year 1902, was but a caricature of what it might have been had the law been framed by minds less timorous.

On the other hand, in those spheres in which the Board of Health acted as a peculiarly State authority, it accomplished much. Its publications, the dissemination of infor-

mation concerning disease and sanitary conditions, assistance in diagnosis, the introduction of a system of licensing embalmers—these things, among many others, attest its serviceableness.

Finally, in 1902, the occasion being the great small-pox pest of that year, the State Board of Health was given the authority that it should have had from the first. It was empowered itself to put its rules and regulations into operation in any community neglecting to observe them. It is too early to give statistical evidence of the operation of this law, but that great benefit is to be expected from it there can be little doubt.

In addition to this development of central control in what may be considered peculiarly the health administration, it is to be observed that in auxiliary matters some advance has been made. The creation of the office of State Veterinary Surgeon in 1884, the centralization in mine inspection in 1880, and the power granted to the State Dairy Commissioner in 1892 to inspect milk in cities of over 10,000 population, all have evinced a tendency to bring the public health and safety under the closer scrutiny of the State administration. Both the State Veterinary Surgeon and the Mine Inspectors have a certain connection with the State Board of Health.

PUBLIC FINANCE

The income administration of the State of Iowa, and its finance administration generally, is instructive, not so much for what it now is as for what it has been. As a development it is of striking suggestiveness. In those branches of the administration which we have reviewed, the State legislature

and the executive agencies of the State have guided the development, but here we come into contact with the judicial department. Judicial decision has played a great, a disproportionate share in the finance; and but for it there might to-day be a far different system, so far as taxation is concerned, than that which exists. There is little of present interest in the finances of Iowa prior to 1851. With the Code of 1851, well-nigh revolutionary changes in the organs of county administration, and so in the local administration of the income, were made. There were also sweeping alterations in the taxing system, both in the laws of the taxes and in the machinery of their administration. We may here pass over the County Judge and the question of local finances in 1851—though they are of surpassing interest—and come to some consideration of segregation, State assessments, State equalization and the State control of local financial administration.

Though there had been several antecedent developments of minor importance, the law that made segregation, or the separation of State and local sources of income, of material importance was that of 1862 taxing railroads on their gross earnings. At first a half of the income from this tax was given to the State and a half to the counties. Later the counties fared better. They were allowed four-fifths of the proceeds, while the State was to be content with one-fifth. Nothing under either law was to be given to the cities. This fact was to wreck the system and bring about the general property tax on railroads. The city of Davenport, after several years of sharp fighting in the courts, finally wrested from the Supreme Court a decision to the

effect that the law contravened the section of the State Constitution which provides that "the property of all corporations for pecuniary profit shall be subject to taxation the same as that of individuals." It was by the narrowest margin that this constitutional obstacle was placed in the way of segregation. Davenport in its first case had received the favorable decision of the inferior court. On the appeal the Supreme Court was evenly divided, so that the finding of the lower court was affirmed only by default of majority. In 1872, as a result, railroads were made taxable upon their general property for State and local purposes.

But this decision did not put an end to all segregation. At various times, and until a second decision in 1899, telegraph, telephone, express, and insurance companies were made to pay taxes to the State alone. In 1899, however, Polk county having resisted the exclusive State tax on domestic insurance companies, the Supreme Court extended the effect of the decisions of 1864 and 1874, and decided that the county as well as the State was entitled to tax such companies. With the exclusive State taxes on domestic insurance companies there now went down the allied taxes, those on express, telegraph, and telephone companies. Thus the last and the conclusive blow was dealt to the segregation of State and local taxes, so far as corporations are concerned. The spirit of the State legislation had been toward the separation of State and local sources, to a large extent, from 1862 onward. And there is ample room for the opinion that the members of the constitutional convention, when framing the section of the Constitution that has wrought such havoc in the laws, did not intend the inhibition of

segregation that has resulted. There is ground here for a strong argument that judicial interpretation has defeated the public will and the public interest. At the present stage in the development of the science of finance, it is hardly necessary to point out the advantages of segregation and the well-nigh imperative need for it in any justly constructed revenue system.[1] The arguments upon which it is made to rest are arguments of practical administrative expediency. Is more than a hint needed to suggest to the reader's own mind a flood of reasons why the administration, hence politics, and so the public good, would be simplified, clarified, and potently subserved, if to each grade of government a distinct source of revenue were assigned?

The other steps in segregation need be but briefly noted here. In 1896 the collateral inheritance tax law was passed, the proceeds from which tax go entirely to the State. The tax on peddlers, which had been a State tax, was transferred to the counties in 1897, though a new tax, that on itinerant physicians, was reserved to the State. These taxes and the various miscellaneous income from State offices, State lands, etc., constitute the only exclusive State resources at the present time.

In the history of taxation in Iowa, the discussion of State assessment follows naturally upon an examination of the separation of sources of income. For when segregation has failed, recourse has been had immediately in several important instances to State assessment, as though no jot of the central control once gained were to be sacrificed, except

[1] See H. C. Adams, *The Science of Finance*, pp. 448, 449, 491.

under compulsion. Neglecting in this place the laws and developments of lesser importance, we may consider for a moment the laws of 1872 and 1900. When in 1872 the gross receipts tax on railroads was abolished and the tax on property valuation substituted, assessment and apportionment of such valuation upon a mileage basis by the Executive Council was provided for. And again in 1900 when express companies, telegraph, and telephone companies were made subject to taxation for State and local purposes on their property valuation, it was provided that the assessment should be made by the State Board of Review. The advantages of State assessment of properties extending over more than one taxing district are obvious. In the taxation of railroads, while a consensus as to the proper basis of taxation has hardly been reached in the United States, opinion is practically unanimous that when that basis is the general property the assessment must be by the State. Iowa, therefore, in this respect, has done no more than keep step with the progress of the day.

Whoever examines the history of State equalization in Iowa will be met with several surprises. For one thing, State equalization has a rather dim and uncertain beginning. Until 1900, except in four or five lonely instances so unusual that they leave one questioning whether they were not the fruit of some abnormal influence, the equalization was no more than a general county equalization of real property values. That is, there was no equalization of urban realty within a county on a different basis, i. e. at a different rate, from the farm values of the county.

The law did not provide for State equalization of person-

alty values until 1897. Even after 1897 the State Board of Review down to 1902 had taken advantage of its new powers in only two years, 1899 and 1900, and then with respect to live stock alone. The failure to adjust even the live stock values in 1901 seems to threaten, if not a discontinuance, at least a broken continuance, of any equalization whatever of personalty.

An estimate of the general results of equalization by the State Board can be merely an estimate of the adjustment of general real property values between counties. The sum total of these adjustments, it must be admitted, has been much to the advantage of the State. From 1870 to 1901 the reported values were increased at every equalization, except in 1900, running in amount from a sum under a million to over sixteen millions. But how many mistakes and inequalities, how much injustice and consequent harm to the State, must be hidden under those lapses in the law or the custom of the State Board which have left to a chance hit, or have wholly ignored, personalty and the urban element in realty.

The Revenue Commission of 1892 proposed a striking change in the State Board of Equalization, viz., a partial reorganization by enlargement through the addition of eleven persons, one from each congressional district, whose knowledge of values in their several districts would, it was believed, enable the Board to approach more closely to accurate justice in the adjustment of the burdens of taxation. It is to be hoped that the day will be hastened when State equalization, by the grace of a wise segregation, may be dispensed with. But as long as it continues, some such

measure as that recommended by the Revenue Commission would seem a very desirable thing.

If segregation has not been adopted by a State, or has been provided for or enforced in such a way that certainty has not been secured or responsibility located in the administration of the finances, or if State assessment or State equalization has failed to encompass these ends, there still exist possible measures whereby they can be realized in a greater or less degree. The local administration may be brought to a higher plane of efficiency by administrative control from the center. This has been a possible, but, except in the inheritance tax, not a practiced alternative in Iowa. Much that is worthy of reflection will be found in the negative history of discussion, of which it is made up, but nothing of actual experiment. The most striking fact in the history of this opinion apparently is that the central control of local assessments has never been seriously considered. States have often placed much reliance upon this device, but in Iowa it has been passed by. It has been neglected more than scorned, and it is probable that under favorable conditions and a winning presentment it might attract many adherents. The paramount object of almost every effort to secure a better local administration has been to insure the prompt collection and payment into the treasury of the sums due from the counties on the general State levy. It has been believed by many that the best means to bring this about was to make the counties absolutely responsible for the State levy. This amounted to a proposal for a legislative and judicial control, and not for the administrative control above suggested. The second, and only other im-

portant means, suggested with any emphasis or at all continuously, for the betterment of State and local organs in matters of finance, has been that of a central inspection or direction of local accounts, or the two of these instrumentalities combined.

Thus we see that there have been certain broad tendencies at work in Iowa, powerfully shaping the course of the income administration. It is to be observed that the correlation of some of these forces is rather close. Judicial decision stands out as the correlating medium. Judicial decision has grievously arrested the course of a healthful separation of State and local sources of revenue, with the attendant prospect of a simplified administration and a greater certainty in taxation. But as judicial decision has destroyed, it has also been the occasion for bringing to the front forces which, to a degree, have served much the same purpose as segregation. These forces are State assessment, and, indirectly, State equalization and the discussion of the State control of local administration.

CONCLUSIONS

It is impossible within the compass of these pages to attempt an analysis of the various branches of the administration so minute as to show just what elements of each may be considered local, and what State, in character. But a few general conclusions may be derived. Not many will dispute the contention that public education, public health and safety, charities and corrections, and the income necessary to the maintenance of the State services, are much more than local in their character. They have a local element, no doubt, but their Commonwealth significance

preponderates. If this be true, how eminently fitting is it that in the course of time the State should have been given a larger share in their administration. For the description of a function of government as a State function, or a local function, is an assertion that it is most successfully administered when administered by the grade of government in which it has been classified. Only a part of the confusion has been removed in Iowa; there are still many treacherous spots in our administration which make it an easy prey to politics. The cities are as yet the victims of legislative administration; their sphere of local home rule has been poorly defined, or defined not at all.[1] But for what has been done the citizen should be grateful; and by it he should be encouraged.

If this article has suggested in the slightest measure the delicacy of the problems of administration that lie hidden in our Commonwealth government, it will have achieved its purpose. Delicate they are indeed, some of them calling for a refinement of legal and political science which demands all the intricacy of highly developed economic and social organs, and yet must cleave to the everlasting facts as closely as may be.[2]

[1] See *State v. Baker*, 89 N. W. 204. It is remarkable that this case, decided in February, 1902, was the first in which the position of the city and its relation to the State was at all closely defined. Judge Deemer, who wrote the opinion, was of course strongly guided by the precedents of the general law of municipal corporations. At the same time, one cannot escape the impression that he was deeply influenced by the writings of publicists, a thing that must be applauded by every one cognizant of their sterling contributions in this field of study.

[2] An instance illustrative of the delicacy of some of the problems

Can we read the signs of the times and be mistaken in the belief that there is an insistent demand for disinterested non-political study and work in administrative law. The words of Dr. Andrew D. White, calling for endowments for the study of comparative administration, are fresh in our minds. At a recent eastern university commencement, at which the Governor of New York was publicly honored, no words were spoken more fitting and more timely than those in praise of his "thankless" constructive labors in the fields of public finance and public administration. A thousand doctrines and dogmas have fallen by the way, a thousand will fall—but who can doubt that the law and the privilege of service, the religion of work, will continue to increase in

of administrative law is to be found in the school tribunals of America, or, more immediately, in those of Iowa. If it were attempted to trace exactly the jurisdiction of the county and State superintendents, a very devious line would result. In Iowa there is a shadowy borderland in which both the school courts and the regular judicial tribunals exercise jurisdiction, and there is a wide field in which the judicial tribunals may supplement, direct, or even control the school courts, through their writs of mandamus, certiorari, or injunction.

The school court is as yet embryonic, and, like all administrative courts in this country—saving always the justices of the peace of the colonial and early State period—it is an exotic. But it should none the less be carefully preserved. It probably contains the germ of much that will prove beneficial in American government. It will develop slowly, no doubt, but the separation of justice from administration in continental countries has been only a very gradual thing. As Gneist says of the development in the German states: "'*Trennung der Verwaltung von der Justiz' macht sich daher zuerst im Polizeirecht als eine gebieterische Forderung des practischen Lebens geltend, vollzieht sich aber in den einezelnen Territorien sehr langsam und unter zahllosen Variationen.*" Rudolph Gneist, *Der Rechtsstaat*, p. 118.

the cubits of its strength. And, if so, in what field, considering our present public needs, can it plead more eloquently for followers than in the field of administrative study—a field barren to the outlook, and, it may be, discouraging to the first research, but containing the secrets of social organization and the practical solutions of social difficulties.

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THE DEVELOPMENT OF PARTY ORGANIZATION IN IOWA

The importance of party organization is but dimly recognized by the average citizen. The part it plays in the working of our governmental system—from the school district to the national government itself—is not generally understood by the great mass of voters in whose loyal adherence it finds its chief support. Though the fact of organization is seen on every hand, the motives which are behind it, the methods used by it, and the results attained through it are not so evident. On the contrary, there is a distinct lack of appreciation of the real significance of these great organizations whose beginnings date back to our first experience as a nation. This unsatisfactory condition is due partly to actual ignorance and partly to the confusion which has arisen from the extreme emphasis placed by many students of politics upon that portion of the party organization which has come to be known popularly as the "machine." The failure to distinguish properly between the rural party organization and that of the city has added to this confusion. Indeed, the question of rural party organization has been almost wholly neglected, while that of municipal party organization has received extended discussion and has been taken as representative of the organization throughout the entire country. And this is the real situation in spite of the fact that the great majority of our people are members of the rural organizations.

The study of party organization in its larger aspects is a work of the future, but it is a work which must be accomplished before any adequate understanding of our party history and our governmental theory can be attained. A number of points of view will be elucidated in such a study. Among these are: (1) the party organization as the agent of the people in the administration of government in harmonizing the interests of the legislative and executive departments; (2) party organization as a unifying force in the life of the people; (3) the psychology of party organization; (4) the significance of party discipline; (5) the influence of party organization upon the social, educational, and even religious life of the people; (6) the immense power wielded by the organization through the control of party nominations. In addition to these are the well worn questions of the spoils system, the corrupt use of money, and the use of the party machinery to promote the selfish interests of the party managers. In all these different phases the subject of party organization offers opportunities for investigations which will, no doubt, be valuable contributions to our stock of knowledge and throw additional light upon our local and national history.

The following brief account of the beginnings of the party organizations in Iowa is not an attempt to discuss the subject in the manner suggested above, but is simply the foundation for a future study in which the elaboration of these points of view may be undertaken. For the present, it is the purpose to trace the development of party machinery in Iowa from its beginning to its present perfect state. The result will be the outline of the mechanism of our political

parties; their motives and methods are reserved for future consideration.

There are two kinds of party organization, the distinction between which should be made at the outset. There is what may be called the "paper" organization, which may be easily effected; and there is what may be called the "institutional" organization, which has its roots deep in the minds of its members and which requires years for its development. The former is best illustrated by the organizations of the minor parties. A State central committee composed of one member from each congressional district is appointed; a congressional committee composed of one representative from each county is chosen for each congressional district; a similarly constituted committee is selected for each judicial district; and in each county a committee is organized which is composed of representatives from all the townships in the county. The mechanism is complete, but in spite of its completeness is ineffectual because it is artificial in its nature and does not exist in response to the demands of any considerable part of the people. It exists for the most part in the minds of the few men who are its promoters and managers. It is not a great organic party, although it manifests all the outward signs of an organic party. As a matter of fact it is far from possessing this complete machinery—a condition which only emphasizes the radical difference between this imperfect organization and that which is genuinely institutional in its character.

This latter type is illustrated by either of the great parties, but especially by the Democratic party which has behind it a century of unbroken tradition. Its outward

appearance is the same as that of the minor party; its form of organization is the same; and its methods are the same. But it differs from the minor party as the sound nut differs from the empty shell; and it differs in precisely the same manner. The one is a complete organization with that inner vital life which makes it the organic party that it is; the other is the mere outward form—the empty shell. The difference is a psychological one. Men are born into the Democratic party and instinctively become an inherent part of this great mechanism. They unconsciously acquire the *habit* of Democracy, as it were, and act with that party as naturally as they adjust themselves to the social world of which they are a part. It is this institutional organization which has made our great parties live from decade to decade, and has given them the mighty power that is theirs. It is this type of organization which offers to the student of politics a rich field for research and study. An appreciation of this point of view is essential to a correct understanding of party organization in Iowa.

The first settlements in the State were made at a time when Andrew Jackson was at the height of his power. Party discipline had been made effective. The spoils system had but recently been introduced, and the efficiency of thorough organization been made manifest. The early settlers of the Black Hawk Purchase, which was then a part of the Territory of Michigan, were largely from the southern States where party feeling ran high and party lines were rigidly drawn. The instinct for politics was in them. The training for party management was theirs. Naturally one of the first suggestions that came to them after their emigra-

tion to the country west of the Mississippi was their organization as a part of the great national parties to which they belonged. By this means better than any other could their interest in national politics be maintained and the local interests of their new home promoted. But their first efforts at organization were not only the result of a desire to serve the public good; they were a necessity. The germ of party organization was in them, and it could no more help springing into life than can the bud into bloom. Even though the organization at first was very incomplete and far less efficient than it has since become, yet it satisfied the instinctive desire of the Iowa pioneers for party association. They were unable, and indeed had no inclination, to discard their party prejudices and antipathies, and this early organization was a natural outgrowth of their strong party convictions. In other words the consciousness of membership in the two great parties was brought to Iowa by the first settlers, and the local organizations began at once to develop along the lines followed in the States from which they came. The fact that the population was very small and that the influence of the Territory upon the current political opinion was quite imperceptible, was either unthought of or ignored. The first opportunity to draw party lines, and by so doing to furnish the necessity for local organization, was seized with avidity, and used in as effective a manner as the territorial conditions would permit.

This opportunity came in the year 1836 just after the creation by Congress of the Territory of Wisconsin, in which the Iowa District was included. The occasion was the election of the first territorial legislature in which the

Iowa District was represented by eighteen members in the House of Representatives and nine members in the Council.[1] At once after the organization of the Territory and even before the apportionment of the representation to the different counties by Governor Henry Dodge, candidates began to announce themselves and to make appeals to the voters for their support. The only records we have of this first campaign are found in the files of the *Du Buque Visitor*, the first newspaper published within the limits of the Iowa District.[2] The first reference to the pending campaign is found in the issue of August 10, 1836, in which the following announcements appear. These may be taken as typical of the statements made by the candidates and their friends in announcing their candidacies.

Messrs. Editors:—You will please to insert in your paper, that I intend offering myself as a candidate for Constable for this county at the ensuing election.

Yours respectfully,

Durango, 5th July, 1836. C. KELLER.

Whether Mr. Quigley or his friends were responsible for the second announcement is veiled in mystery.

If Patrick Quigley, Esq. will consent to become a candidate for the Council at the ensuing election, he will be supported by

Du Buque, Aug. 10, 1836. MANY VOTERS.

The first suggestion as to the need of concerted action in

[1] Of this number Des Moines County was entitled to 7 representatives and 3 councilmen; Iowa County to 6 representatives and 3 councilmen; and Dubuque County to 5 representatives and 3 councilmen.

[2] Published May 11, 1836, to June 16, 1838. On file in the library of the Historical Department of Iowa, Des Moines.

the nomination of candidates is in a communication from a citizen who signed himself "Voter," which appeared in the issue of the *Du Buque Visitor* of August 17, 1836. He suggested that in order to have every part of the county represented in the legislature, a convention of the citizens of the county should be held at Dubuque or some other suitable point, for the purpose of nominating candidates. This convention, he thought, would give the people an opportunity to become acquainted with one another and with their candidates, insure equal representation to the different parts of the county, and guarantee the capability of the men nominated. This communication brought forth a protest in the issue of the following week, in which it was claimed that the candidates had the right to announce themselves in any civil manner they may choose. A week later a second protest against the plan of calling a caucus appeared. This came from a candidate, who closes his protest with this eloquent defense of the people's character. "This people, this enlightened people revolt at the idea of relinquishing their free right of suffrage into the hands of a few self-important individuals." Two weeks later, in the issue of September 14, "Voter," the originator of this discussion, replied to his critics and argued strongly for the county convention. He takes pains, however, to state his opposition to the "secret caucus system." The following week another citizen, signing himself "A Miner," answered the criticisms of those opposed to the convention and announced a meeting to be held on Saturday, October 1, for the purpose of nominating a candidate for delegate to Congress and candidates for the territorial legislature. It was expected that those who were

striving for the nominations would be present and address the convention.

Thus far the discussion had been carried on by men of both parties, and the effort to secure a convention to nominate candidates acceptable to all the people was an attempt to promote a non-partisan election. It is fair to suppose, and later developments seem to substantiate the claim, that the Whigs, who were greatly in the minority, were largely responsible for this non-partisan plan. But the Democrats, much stronger in numbers than the Whigs, could not endure the thought of seeing men of opposite political faith filling offices which they themselves had power to control. The instinctive feeling of opposition to anyone and anything not in sympathy with the time-honored Democracy, came at once into play. Democrats were of one accord. All desired to see their party supreme in the new Territory. But this desire to control the acts of the legislature, and through them the destiny of the Territory, was due no more to their belief that their party could best serve the interests of the Territory than to their inborn wish to present an unconquerable opposition to their political opponents. Devotion to their party led them to look upon this first campaign as a propitious one in which to effect a local organization. Accordingly, the following call for a convention, which illustrates in an excellent manner the institutional type of party organization, appeared in *The Du Buque Visitor* of September 21, 1836—the issue which contained also the call mentioned in the preceding paragraph.

A CALL.

To the Democrats of Du Buque County.

An important election is about to be held for the choice of Councilmen and Representatives in the Legislative Assembly of this new Territory. At such an important epoch as the first election for legislative officers for this vast scope of country, it is not proper that the Democracy of this county should stand idle. The price of liberty is eternal vigilance. The character of the first Legislative Assembly will have an important bearing upon the future political prospects of the States that will be formed from this Territory. The enemies of the people are always upon the alert. They are always ready and anxious to plant their noxious principles wherever they will take root. Let not the Democracy of the county be stigmatized as too dull to apprehend their rights, or too indolent to maintain them. But, fellow-citizens, be not deceived by hollowhearted professions of friendship. We have been told that all who cry Father! Father! shall not enter the Kingdom of Heaven; neither shall all those who cry "Democracy" and "the people" be considered as genuine disciples of Jefferson and Jackson. There are those who, to effect a temporary object, may seem to adopt our principles, although they are at variance with their past conduct. Trust them not; they have clothed themselves with the lion's skin, but elect them to office and they will show by their braying what they are. You hear a great deal said, fellow-citizens, about "no-party,"—that the citizens of this Territory have nothing to say in politics, and that the question should not be raised at the coming election. These are but the arts and snares and stratagems of a wily enemy. Examine the list of candidates offered. How many of them do you recognize as your political friends, who stood by President Jackson in "days of panic," and whose good wishes now are for the success of the Democratic candidates, Van Buren and Johnson? Depend upon it, those who are not for us are against us. "No party men" and "fence men" are always against the Democratic party—and we had better have an open enemy than a pretended friend.

It is well known that a large majority of the citizens of this county are democrats, friends of Jackson and Van Buren, and it is highly important that this majority should have something to say in the choice of public officers. They can only effect their object by union and concert of action among themselves. In union there is strength and victory. But if we permit our enemies to retain the vantage ground which they have assumed—if we suffer our strength to be frittered away by casting our votes in the dark for candidates with whose principles we are unacquainted and without any understanding amongst ourselves, we shall ensure the election of a majority of our political opponents. For the purpose, therefore, of ensuring concert and union among themselves, the Democratic Republicans of Du Buque County are invited to meet at the cabin of Mr. Miller at the mouth of Bee Branch on Cooley, near Samuel Hulitt's, on the 26th day of Sept. (inst) at 10 o'clock A. M. for the purpose of taking the necessary steps preparatory to the next general election in this Territory.

Sept. 19, 1836. MANY DEMOCRATS.

The convention was held in accordance with this remarkable call, and in the next week's paper appeared an account of the proceedings. The chairman of the convention was W. W. Chapman, who was afterwards the first delegate to Congress from the Territory of Iowa.[1] A committee of eleven was appointed to select the candidates for the ensuing election, and a committee of five to draw up resolutions and an address to the people. Col. George W. Jones was nominated for the office of delegate to Congress, three of the leading citizens of Dubuque for the Council, and four for the House of Representatives.[2] One vacancy in the list

[1] The Territory of Iowa was organized July 3, 1838.

[2] The candidates nominated for the Council were Stephen Langworthy, John Foley, Thomas McCraney. Those nominated for the House, H. T. Camp, P. H. Engle, Hardin Nowlin, Patrick Quigley.

of candidates for the House was left to be filled by the Democrats from the lower end of the county, who were not represented in the convention. The report of the committee on resolutions expressed great confidence in General Jackson and his administration; considered the election of Van Buren and Johnson as necessary to the country's prosperity; deemed it necessary that the laws of the Territory should be democratic in their features; condemned the acts of their political opponents; and required the candidates of the convention to pledge in writing (the pledges to be published as well) to do all in their power to secure the seat of the territorial government for Dubuque.

Two of the candidates[1] nominated at once prepared and had published long communications in which they accepted the nominations, stating how unworthy they would be if they refused to respond to the wishes of the people, and giving their personal views upon both local and national questions.

In this same issue of the *Visitor*, that of September 28, 1836, appeared a call, signed by "Many Voters," in which the miners and citizens of Dubuque County generally, who were opposed to caucus dictation, were invited to meet at the Methodist church in Dubuque on Saturday, September 31, for the purpose of making arrangements for the coming election. It was expected that the candidates for the legislature would be present and again address the people.

When the day of the election arrived there were seven active candidates for the three positions on the Council, and seventeen candidates for the five places in the House of

[1] P. H. Engle and Stephen Langworthy.

Representatives. The Democrats succeeded in electing two of the three candidates for the Council and all four of the candidates nominated for the House.[1] Although no records could be found to give the facts, it is probable that the manner of conducting the campaign and the election in Des Moines and Iowa counties was similar to that used in Dubuque. As compared with the thoroughly organized campaigns of the present day, it was most simple and ineffective. The campaign was almost entirely a personal one in which the candidates themselves took the largest part. In fact, the work of the candidates was practically all that was done to promote the interests of the opposing parties. There were no central committees to direct the campaign and to effect an organization of the party workers for a thorough canvass in the different counties. Several years were to pass by before this feature of the modern party organization was to be adopted.

The death, in the spring of 1837, of one[2] of the men elected to the House of Representatives, caused a vacancy which was filled at a special election held July 10, 1837. The methods of nominating the candidates and conducting the campaign were similar to those already described. Some of the candidates announced themselves; others were brought forward by admiring friends. Some were nominated in

[1] The number of votes polled in the town of Dubuque was 621, while the vote of the whole county exceeded 1000. Not all the votes, however, in the southern part of the county were polled. It is possible that an earlier election may have been held while Iowa was still a part of Michigan Territory, although no records to this effect were discovered.

[2] H. T. Camp.

mass conventions in different sections of the county; others came before the people without this formality and without the prestige which accompanied a convention nomination. All the candidates made use of the columns of the newspaper to communicate with the voters. Each one used whatever methods he deemed most effectual. A campaign more picturesque than that conducted by the modern smoothly and silently working machine, was the inevitable result. Men were just as eager for office then as now; just as willing to sacrifice themselves to the call of public duty; but the science of political management had not then been developed to its present state of perfection.

In 1838 the territorial government of Iowa was established and an election of a territorial legislature was called for September 10th. At once party politics took on a more aggressive appearance, although party lines were not generally observed in the first and second elections—those of 1838 and 1839. In these first elections members of the legislature and delegates to Congress were the only officers chosen, and the Territory being so new, questions of purely local interest prevented the division of the voters upon strictly party lines. But in 1840 the whole situation was changed. Political enthusiasm ran high. The spirit of the great presidential campaign in the States pervaded the whole Territory.

During the two or three years preceding the campaign of 1840, large numbers of new settlers had come to Iowa, bringing with them strong party convictions and an enthusiasm greatly excited by the coming presidential election. Iowa could have no part in that election, but that was no

reason why the followers of Harrison and Van Buren should be idle. The hereditary party feeling was too strong to permit of an inactive campaign. The result was that for the most part the legislature was elected by a party vote, the Democrats securing a small majority in both houses. In some of the eighteen counties which existed then, the county seat question and other considerations of a local nature prevented this strict party division. The Whigs seem to have lost more than the Democrats by defections of this kind. But even in these counties the minority party was so aggressive that it was necessary to look after the interests of the majority with the utmost care. This intensity of party feeling was strengthened by the efforts of the Democrats during the summer of 1840 to effect an organization of the Democratic supporters throughout the Territory. Many Democrats were opposed to this movement, but the promoters of the plan arranged for a territorial convention, which met at Bloomington (Muscatine) August 19, and nominated General A. C. Dodge for the office of delegate to Congress. The convention was not a large one, and was gotten up in a very informal manner. It was, however, the first attempt at party organization for the whole Territory, and as such is of peculiar interest to the student of this period. The editor of the *Territorial Gazette and Advertiser*,[1] published at Burlington, referred to the nomination of General Dodge in 1840 in these words:

> The nomination of General Dodge by the democracy was the first step that had ever been publicly taken in the Territory towards a

[1] Editorial in issue of June 26, 1841. File of *Territorial Gazette and Advertiser* at the library of the Historical Department, Des Moines.

distinct party organization. A very respectable minority resisted the drawing of party lines as impolitic and out of time; and although the majority of such in the end fell in with and supported the nomination, it is well known that there are some who refused to do so.

During the closing days of the campaign the Democratic leaders urged on the work of organization. As it became more and more evident that the Whig nominees on the national ticket would be elected, the zeal of the Democrats became more intense, with the result that they saved the day and elected General Dodge by a small majority.

When the legislature met in the fall both houses were organized on party lines, with the Democrats in control—a circumstance which tended to increase the already intense party feeling and gave a marked impetus to the work of organization. The actual control of the legislature gave the Democrats a knowledge of their strength; the fact that the Democratic majority in each house was very small made the Whigs see the possibilities that lay behind an effective party organization. The result was a greater activity among the rank and file of both parties, and a closer feeling of kinship among the party leaders in the legislature. It is a significant fact that the division of the parties in the legislature was due largely to a question of patronage. The question whether the legislative printing should be given to the *Hawkeye* or to the *Gazette*—the official organs of the Whig and Democratic parties respectively—was the cause of this division and was a bone of contention during the entire session.

The failure of several Democratic legislators, who were elected by the aid of the Whigs, to abide by their ante-elec-

tion promises that they would oppose the organization of the legislature upon party lines, gave great encouragement to the work of organization among the Whigs. The Burlington *Hawkeye and Patriot*, edited by James G. Edwards, a stalwart Whig, did valiant service for the party in its advocacy of concerted action. In the issue of November 12, the editor "trusts that all the Whigs in this territory will have an eye upon a thorough organization of the Harrison party before winter closes." Three weeks later there appeared an editorial on *Organization* in which it was urged that the Whigs should follow the Democrats in effecting an organization of the party throughout the territory. It was suggested that if a general meeting of the Whigs could not be held in some suitable place, steps should be taken at once to insure active and harmonious efforts in the interest of the party in the different counties. It was proposed that a general jubilee to celebrate the election of General Harrison to the presidency might be held at Burlington while the legislature was still in session, and that the plans for the organization of the party might then be adopted. But if this was inconvenient, a "Territorial Corresponding Committee" should be appointed who should correspond with such persons in each county as were recommended by the Whig members of the Legislature. These men should be instructed to call county meetings where the issues between Harrison and Van Buren should be discussed. In this way the Whigs could be united and victory assured.

Four weeks later, December 31, there appeared a call, signed by William B. Ewing and Henry W. Starr, for a meeting of the friends of William Henry Harrison through-

out the Territory to be held at Burlington, January 6, 1841. Although the time for circulating the notice of the meeting was very short, a goodly number of prominent Whigs from different parts of the Territory assembled at the appointed time. The meeting was held in the Methodist church and was presided over by R. P. Lowe of Bloomington. After a committee had been authorized to draw up a congratulatory address to General Harrison, resolutions to the following effect were adopted:—That the meeting should proceed to the organization of the Democratic Whig party, for the Territory of Iowa, with a view to produce a union and concert of action in regard to its interests and duties; that a central committee[1] to consist of five members from Des Moines county and one member from each of the remaining counties should be appointed; and that the meeting should recommend to the Whig voters in the several counties that they organize and appoint county committees and unite their influence with that of their fellow-citizens in an endeavor to produce a harmony of feeling and a zealous coöperation in every honorable effort to ensure success to the Democratic Whigs of Iowa in their future proceedings. In

[1] The central committe chosen in accordance with these resolutions was composed of the following persons: Henry W. Starr, J. P. Bradstreet, James G. Edwards, J. D. Learned, W. B. Ewing, all from Des Moines county; Stephen Whicher, Jr. of Muscatine; G. C. R. Mitchell of Scott; Hamilton Robb of Henry; Horace Smith of Johnson; Daniel F. Miller of Lee; George H. Walworth of Jones; Isaac N. Lewis of Van Buren; Francis Springer of Louisa; James Crawford of Dubuque; Robert C. Bourne of Clinton; J. K. Moss of Jackson; Dr. J. S. Waugh of Jefferson; A. Cowles of Linn; S. P. Higginson of Cedar; Lemuel G. Collins of Washington; Quigley, P. M. of Clayton.

a second resolution it was voted to recommend the holding of a convention at Davenport on May 5, for the purpose of nominating a candidate for delegate to Congress, and to instruct the central and county committees to report at that time the progress that may have been made in organizing the party throughout the Territory. It was also voted that the Central Committee should instruct the county committees, and through them the people, to hold primary meetings at which delegates to the Davenport convention should be chosen. The representation in this convention was twice as many delegates for each electoral district, of which there were ten, as it had representatives in the legislature.

At once the Whigs began the work of organization throughout the Territory. The same form of organization was adopted in all the counties by the conventions called for that purpose. The proceedings in Louisa county were typical of those in all the counties. Here a mass convention was held January 6, 1841, for the purpose of selecting delegates to the territorial convention, of choosing a County Central Committee, and of perfecting plans for the local organization. A committee was appointed to submit a list of delegates to the convention and a list of persons to constitute the county committee. This committee was made up of one person from each township. Resolutions were adopted to the effect that, as vigilance and a perfect organization are the only means of preserving and perpetuating the principles of democracy, it should be recommended to the Whigs of each township to organize immediately by the formation of township committees of vigilance,

and by the adoption of such other measures as might be deemed expedient. The members of the County Committee were authorized to call meetings in their respective townships for these purposes. The County Committee was also authorized to call a convention at which candidates for all the county offices should be nominated. The resolutions also advocated thorough organization throughout the Territory and pledged the support of Louisa County to the candidate of the Davenport convention. Particular emphasis was laid upon the necessity of supporting the party ticket. It was the claim of the Whigs that they had the numerical strength to carry the Territory, and this could easily be done if all would unite upon a candidate and support him at the polls. The result was that in all these first county conventions the members pledged themselves to support the convention nominees and to discourage the running of independent candidates. Township meetings were held as recommended, vigilance committees appointed, and plans adopted for an effective campaign.

Similar plans were adopted in the other counties, and by the time of the Davenport convention the Whigs of the Territory had been pretty thoroughly aroused. The convention assembled May 5. All of the counties were represented except Dubuque and Clayton. The delegates from these counties were unable to attend because of the bad condition of the roads, resulting from heavy rains. The object of the convention was to nominate a candidate for delegate to Congress. After a brief and friendly contest Alfred Rich of Lee County was made the nominee. The Central Committee, appointed at Burlington, was instructed to

report to the people an address suitable to the approaching election. It was recommended to the counties that they hold conventions for the purpose of nominating full Democratic Whig tickets for the legislature and county offices, and that they discountenance the claims of all who would not submit to such arrangements. As an incentive for aggressive work it was voted to present a banner to the county giving the largest Whig majority for delegate to Congress.

In the meantime the Democrats were putting forth equally energetic efforts to unify the interests and organize the forces of the Democracy. After the election of 1840 it was borne in upon the Democrats that they held the Territory by a very narrow margin, and that unless they did organize the Whigs would soon have control. This feeling was greatly intensified by the success of the Whigs in effecting an organization at their jubilee meeting January 6, 1841. Indeed so urgent did the necessity for organization seem, that only eight days after the Whig meeting a similar meeting of the Democratic legislators and the Democracy of Burlington was held for the purpose of starting the work of organization throughout the Territory. They urged the Democrats of the different counties to adopt effectual measures for a thorough and efficient organization of the party, without which defeat would be inevitable. In the last three sections of their resolutions, their belief was expressed that the organization they desired could be best promoted and perfected by township, county, and territorial conventions; and the holding of such conventions was recommended in order that the nominations for the various offices might be made by the people themselves and not by a few active and inter-

ested parties. They recommended also the holding of a territorial convention at Iowa City on the first Monday in June for the purpose of nominating a delegate to Congress. It was voted further to request the Democratic electors of each county to nominate full county tickets and to discountenance the pretentions of all other aspirants of their own party. It was also decided that a Central Committee[1] to consist of five members from Des Moines County and committees of correspondence to consist of one member from each remaining county should be appointed, and that it should be recommended to the voters to organize county committees and to unite their influence with that of their political friends in an effort to produce a harmony of feeling and a zealous coöperation in every honorable effort to ensure success to the Democratic party in all its future proceedings.

The plan thus adopted was exactly the same as that adopted by the Whigs the week before, notwithstanding the Democrats of Burlington had ridiculed it at that time. In fact the resolution providing for the appointment of a Central Committee was taken almost word for word from that of their political opponents. Likewise, the plans fol-

[1] The Central Committee chosen was as follows: Stephen Gearhart, John Johnson, George Hepner, James M. Morgan, J. W. Woods, all from Des Moines County; John Carns of Van Buren; Sullivan S. Ross of Jefferson; William Thompson of Henry; Thomas Baker of Washington; Samuel C. Trowbridge of Johnson; James W. Isett of Louisa; Edward E. Fay of Muscatine; Harman Van Antwerp of Cedar; Andrew Logan of Scott; Samuel R. Murray of Clinton; John G. McDonald of Jackson; Thomas McCraney of Dubuque; Frederick Andross of Clayton; John C. Berry of Linn; Thomas Denson of Jones.

lowed out in the work of organizing the counties were similar to those already described as being used by the Whigs. They provided for the holding of primary township meetings for the purpose of appointing township committees and devising plans for a more complete organization; for the appointment of delegates to the county conventions, at which full tickets should be nominated and a county central committee chosen; and for the selection of delegates to the territorial convention—each county to send twice as many delegates as it had representatives in the legislature.

As in the case of the Whigs, the party workers responded nobly to this call, enthusiastic meetings were held, and local tickets nominated, so that by the time June arrived the Democracy of Iowa was ready for the territorial convention and the vigorous campaign that was to follow. In this work of local organization great care was taken to impress upon the voters the need of supporting the party ticket at all times and under all circumstances. Each party claimed that the other was raising the "no-party" cry in order to mislead the critics, while at the same time it was secretly perfecting its own organization. But this was merely a campaign cry. Both parties, as expressed in their leading newspapers, were anxious for a strict party division; and they hoped to bring this object about by their thorough organization.

The Democratic territorial convention assembled at Iowa City at the time designated in the call. There were one hundred and fifty delegates present, representing all the counties except Scott and Clinton. General A. C. Dodge was renominated for the office of delegate to Congress, and

plans were made for an aggressive campaign. In the election that followed the Democratic candidate was successful by a majority of 513.

Our present political machines, which work so perfectly and effectually, are the evolutionary product of this early organization. The mechanism has remained the same. The form of the organization is unchanged, but its spirit and methods are entirely different. The evolution which has gone on has not resulted in the invention of new machinery, but in the perfection of that which already existed. This evolution, of course, was more rapid in the older counties. In the newer counties the work of organization gradually developed as the population increased and the importance of the local political units became greater. But in none of the counties was the organization made complete from the first. The work of establishing the county machine, with all its representatives in every township and school district, was slow, and for many years was attended with only partial success.

The institutional party was brought to Iowa by the first settlers, and the first organizations were due to their instinctive desire for party association and for affiliation with the parties in the States from which they had come. But as the Territory developed and the time drew near for her admission into the Union, the interest of each party in its organization was greatly intensified by the further desire to see the new State organized under its own supervision, and the policy of the new Commonwealth under its own control. The struggle over the question of holding a State constitutional convention, and the difficulty of secur-

ing the adoption of the Constitution after the admission of the State had been agreed to, were largely due to this contest for party supremacy. The tightening of party lines and attempts at party discipline were the natural result. A great impetus was given to the work of organization in both parties.

The advent of the slavery question into Iowa politics gave a second and even greater impetus to party activity. Although it meant, eventually, the division of one party and the dissolution of the other no change in the form of their organizations was due to its introduction. The Democratic party was inclined to be pro-slavery in its sympathies although many of its members were opposed to slavery extension and united with the Whigs in 1856 to organize the new Republican party. The Whigs were largely anti-slavery men, and, as the interest in the subject grew, were able to increase their strength until, in 1854, under the leadership of James W. Grimes they for the first time elected their State ticket. Opposition to Douglas's Nebraska Bill was the keynote of this campaign, and carried the State for the Whigs by nearly two thousand majority. The following year, with a total vote which had been increased by only five hundred, they were able to carry the State a second time by a majority greater by three thousand than that of 1854.

During these two years a new alignment of the parties was being made in most of the northern States. The opponents of slavery extension were coming together upon this single issue and organizing the Republican party to make their opposition effective. This movement met with

a cordial response from the anti-slavery people of Iowa. Immediately after the election of 1855 the plans for the organization of the Republican party were made, and by the first of the next year the time was ripe for a public announcement. In the issue of January 14, 1856, of the *Muscatine Journal* is found the following call which was written by Governor Grimes, although that fact was not made known at the time.[1]

To the Citizens of Iowa.

Believing that a large majority of the people of Iowa are opposed to the political principles of the present administration, and to the introduction of slavery into the territory now free, and also that made free by the compromise of 1820; and that the party, styling itself the "Democratic party," are striving to make slavery a great national institution, contrary to the principles laid down in the Declaration of Independence and the Constitution, as taught by the fathers of the Republic; we would call upon all such free citizens to meet in convention, at Iowa City on the 22nd of February, for the purpose of organizing a Republican party, to make common cause with a similar party already formed in several other states of the Union.

Jan. 3rd, 1856. Many Citizens.

The other Whig papers published the call, and at once the work of organization began in all parts of the State.

[1] In the same issue of the *Muscatine Journal* is found this editorial comment upon the call for the Republican convention. "Papers friendly to the above call will give it a publication in their columns, and urge upon their countrymen the importance of a representation in said convention. It will hardly be expected that a large delegation will be in attendance; but then, those who do go should be good men and true." File of *Muscatine Journal*, in the library of the Historical Department, Des Moines.

Mass and delegate conventions were held in all the counties, and representatives chosen to the Iowa City convention. Great enthusiasm prevailed. Democrats of long standing united with their old-time political opponents in this effort against the extension of slavery into the territories. The convention, which assembled on February 22, 1856, more than satisfied the friends of the movement. The *Muscatine Journal* speaks of it in these words:

> It was the largest, most intelligent and enthusiastic ever convened in the state. The old settlers who have attended all the political conventions of the state since its organization, were unanimous in the opinion above expressed. Democrats who thronged the lobbies and aisles of the chamber during the session of the convention, frankly admitted that it never had its equal in point of numbers or ability in Iowa. We noticed one fact indicative of the character of the newcomers to this state, that the ablest speeches were delivered by those who have not resided within our borders over two years. The "old stagers" who have heretofore controlled, and we might say moulded, all the state conventions to suit themselves, found in this convention a growth of young giants who overpowered them in many a well fought encounter and placed themselves side by side with the best intellects of the state. This was a most refreshing evidence of the sincerity of the mass. Every member of the convention thought for himself, and subscribed to the dictation of no other, and hence the honesty and integrity of the members, and the value of their proceedings.

Four hundred delegates from all parts of the State were in attendance. Philip Velie of Lee County was made chairman, and J. T. Lane, N. M. Hubbard, J. B. Stewart and C. C. Nourse were elected secretaries. Committees, consisting of one member from each county—thirty-nine in all

—were appointed to draw up resolutions and to choose candidates for State officers, presidential electors, and delegates to the national convention. Only one issue was considered in the resolutions as adopted—that of opposition to slavery extension. In addition to the resolutions, there was issued an address to the people prepared by a committee of which Hon. J. B. Grinnell was chairman and Samuel J. Kirkwood and William M. Stone, future Governors of the State, were members.

The organization adopted by the Republicans was the same in form as that of the Democrats and Whigs. A State Central Committee[1] of five members was appointed. A committee of five in each of the two Congressional districts was chosen. County committees composed of representatives from all the townships were organized. Mass conventions were held, and every opportunity seized to make clear the issues between the two parties.

This organization was as much institutional in its character as that of either of the two parties from which its members were drawn. The instinct for organization was in them as in the first settlers of the State and the experience gained in the many heated contests between the Democrats and the Whigs gave them a knowledge of practical politics which was invaluable to them in the great campaign about to be waged in the cause of liberty. Their great success in this cause was due to the fact that their ability to use party

[1] The members of this first Republican State Central Committee were as follows: A. J. Stevens of Polk county; J. P. Grantham of Henry; W. E. Miller of Johnson; John Casady of Poweshiek; and S. M. Ballard of Audubon.

organization was reinforced by a profound conviction upon a great moral as well as upon a political question. To them the fate of the Republic hung in the balance, and their zeal for party supremacy was increased immeasurably by their championship of human rights. Furthermore the movement for the new party was a movement among the masses of the people and not among the political leaders alone. Otherwise it could not have developed into the great organic party, which it now is.

As the summer of 1856 passed and the election day drew near, the Republican organization became more efficient and more complete, until, in the minds of its members, it was almost irresistible. It won a sweeping victory in the election, and proved in an effective manner its inherent power.

In the *Dubuque Republican* of November 26, 1856, is the following statement which expresses in a few words the feeling of the leaders of the new party:

> The Republican party of Iowa is now fully organized, and holds within its hands the destinies of the State. The Executive, Judiciary, and both branches of the legislature are Republican, and the convention to revise the Constitution of the State has a strong working Republican majority.

The foregoing is a brief account of the beginnings of party organization in Iowa. As has already been suggested, our present great organizations are the outgrowth of these early attempts at party management. There has been a continuous development from that time to this. But this development has not altered the outward form of the organization. The State, the congressional districts, the judicial districts, the counties, and the townships are still the basis

of its existence. A division of labor among the respective committees is still the rule of procedure. But the motive that controls the organization, and the methods by which its work is accomplished, are very different.

No greater mistake can be made by the student of this question than to carry the present conceptions of party management and machine politics into his study of this early period. The abnormal features of present day politics had not then developed. The idea of a State Central Committee practically controlling the policies of the State did not then prevail. There was no conception of an all-powerful political "machine" in our modern sense—an inner organization whose interests are often, if not always antagonistic to those of the great party it is supposed to represent. The party system in this State at that time was the normal one. The two great parties held within their ranks practically all the people of the State. The voters in each party were in a real sense members of its organization. There was no organization apart from the great mass of voters. In fact it was their organization, and theirs alone. The committees were *their* representatives; the responsibilities of the campaign were *their* burden; and its success was *their* glory. To-day the situation is very different. The great mass of voters have very little to say in determining the policies of the parties; they have even less to say concerning their management. The importance of the individual voter, except as he counts on election day, has greatly diminished; the importance of the party manager has greatly increased.

The change that has taken place since the Civil War is illustrated by the difference in the manner of conducting the

campaigns. In the early days there were no attempts at regulating nominations by law. There was no primary system, and at first few party rules to be observed. For the first years anyone could stand as a candidate for any office to which he aspired. Later the parties succeeded almost entirely in preventing the candidacies of all except the party nominees. Independent candidates became exceptional. But during all the time the campaign methods were simplicity itself as compared with the complicated procedure of the present. The personal canvass made by the candidates was the principal means of stirring party enthusiasm and of influencing public opinion. A joint debate between rival candidates occasionally enlivened a campaign. No accurate knowledge of the party's strength could be ascertained before the election. Except the circular letters published in the newspapers the candidates made very little use of campaign literature. A speech was sometimes printed in pamphlet form, but this was rare. The public rally and newspaper were the most successful and the most common methods of reaching the people. The party committees filled a subordinate place in the early campaigns. Their principal work was to arrange for the necessary conventions; to prepare an occasional address to the people; and to assist the different communities in effecting their local organizations. The brunt of the battle was met by the candidates themselves, and the direction of the campaign was largely in their hands.

Later years have made it necessary to surround the making of nominations with legal restrictions. Nomination papers must be filed with the Secretary of State. The print-

ing and marking of ballots are regulated by law. Party rules have become many. It is no longer possible for any man to stand as a candidate. He must first gain the consent of the party managers, and then secure the approval of his party associates at their primary meetings. The part which the party managers now take in making nominations is very different from that which they took in the period under discussion. Then, the committees were simply the agents of the voters and had no more influence in determining the nomination of candidates than the rank and file. Now, through the influence of patronage, contributions for campaign expenses, allotment of campaign and public printing, the selection of places for the holding of conventions, and other means, the central committees are supreme, and have it in their power to secure the nomination of almost anyone whom they may wish to favor.

But the methods of conducting the campaign itself have also greatly changed. The personal work of the candidates is no longer the controlling factor in the campaign. Its supervision is entirely in the hands of the State committee. Vast sums of money are used each year to distribute great quantities of campaign literature, and to hire campaign speakers. Every ward and school district in the State has its committeeman, and through him a thorough canvass is made. In a few days' time the State committee can know the party preference of every voter in the State. The work progresses smoothly and quickly, each part of the machine doing its own work and contributing its full share to the final result. The influence of the machine is felt everywhere, and in fact is predominant in the politics of the State.

In this State, as in other States and in the nation as a whole, this predominance of the party managers—the bosses—furnishes the great problem in our politics. To some the party boss is the natural product of the party system. To others his existence is due to abnormal conditions and influences. To all his power is a source of danger and brings home to the student of present day politics the need of careful investigation into the source of this power—the party organization.

That the party organizations have rendered service of great value to the State and nation cannot be questioned. In the early days of the State, when communication was difficult and communities were jealous of one another, the party organizations did more than any other cause to prevent sectional feelings. They united the interests of the people and brought them together in a common purpose and a common task. And this influence has been at work ever since. The fact that the great Democratic party never became a sectional party during the dark days of the Rebellion, but remained in a true sense a national party, made the task of bringing the North and the South into genuine fellowship immeasurably easier than it otherwise would have been. That the party organizations have also fostered evils of the greatest consequence is equally true—a fact which only emphasizes the importance of the subject, and makes plain the duty of faithful study and a conscientious use of the facts discovered.

JOHN W. GANNAWAY

GRINNELL, IOWA

LOCAL TRADITION

Sir William Jones, in his noble poem, *What Constitutes a State*, negatively exhausts the subject of statehood; but there is one positive factor in the problem of commonwealth making which is scarcely more than suggested in the poet's splendid dream. True, "men, high-minded men," must ever constitute the main element of strength in a state; but the poet names only one—and that the least important—of the two influences which together affect men in the aggregate, namely: "Sovereign law, the State's elected will." The other influence, more potent than statutes, too subtle to be confined in a body of laws, too elusive to be found by index, is the spirit which broods over community life and, without show of force, compels the representatives of communities and of the commonwealth to do or withhold, to approve, to hold in abeyance, or to condemn.

For want of a better term, we call this elusive, subtle, intangible, yet potent influence "Tradition"—not in the ordinary sense in which that term is used, not in the sense in which the folk-lorist uses it, but more nearly with the meaning which Paul conveyed in his exhortation to the Thessalonians that they hold the traditions which they had been taught.

To illustrate. One community has a theological tradition with its accompanying virtues and possibly its narrowing tendencies. Another has broadened out beyond mere dogma and in the process has retained all its original respect

and regard for religion but may have dangerously lapsed in its judgments as to conduct. In one community temperance means total abstinence; in another, it means moderate use. One community is healthfully public-spirited, scattering and yet increasing; another is wildly public-spirited, and bankrupt; in another the motto is "get and keep," and yet the prevailing tendency is to want, and the getters and keepers groan over "poor expenses." One aggregation of individuals and communities, called a State, in its influence upon the nation is repressive. Its favorite maxim is "the world is governed too much." Another, separated from the first by only an imaginary line, bases its political philosophy upon the lessons taught by the confederacy of 1777–81, out of the confessed weakness of which grew the national idea. One State accords to women every political and legal right which men enjoy; another carries Paul's admonition still further and lets the women keep silence in state as well as church affairs. In one State the sale of intoxicants as beverages is prohibited, on the ground that the greatest good to the greatest number is thereby subserved. Just over the line in another State, the licensed sale of liquor is everywhere sanctioned, and every assault upon the license system is regarded as an attack upon personal liberty. In every case the laws would be powerless but for that same rarely mentioned but generally felt and recognized tradition from which there would seem to be, and in a single lifetime there generally is, no successful appeal. The term "public opinion," though often used as a substitute for it, is not synonymous, for public opinion is but the latest indicator of a trend which has its beginning far back in the past.

In every instance there is a starting point of character and habits in the first settlers. Rough in manner and crude in habits of thought as many of these pioneers were of necessity, their potent spell is upon us; the strongest among us feel it, and the wisest, after a brush of experience, cease fighting it. Though these "rude forefathers of the hamlet" lived and died in ignorance, or scorn, of the Socratic method of reasoning with all the comparatively modern improvements, and enjoyed a sublime confidence in those rational instincts which we call intuitions, though we may pronounce their vision short and its range narrow, yet the product of their aggregated individual experiences as crystallized into tradition is in many instances as irresistible as dialect, or climate.

Hegel well terms this spirit "the latent germ of being," "the capacity or potentiality, striving to realize itself;" "not of such a nature as to be tossed to and fro amid the superficial clay of accidents, but rather the absolute arbiter of things."

The German philosopher ranges history under three heads: original history, reflective history, and philosophical history. But the reflective and the philosophical are only two phases of history's aftergrowth. The philosophy of history, with all kindred thought, is the leafing and flowering of original history. The common source of all systems of social philosophy is fact, and history is fact with generalization drawn therefrom.

We do well to turn again and again to the history of the Jews, the Greeks, the Romans, the Dutch, the Germans, the French, the English. But we cannot unqualifiedly apply

old-world experiences to new-world conditions. The genius of old-world institutions, the trend of old-world traditions, the very germs of old-world community life, are unlike ours. The statesman's, the historian's, the journalist's parallel, if not "deadly," is at least misleading and mischievous, unless it be explained away so thoroughly as to be no parallel at all.

Every people, every age, must be measured by itself alone. The closest comparisons are at most but remote approximations. Speaking with literal truth, they are not comparisons at all. Like rival lines of railroad, their general direction and destination are the same, but they wind in and out and cross each other, one tunneling where another goes round or climbs.

The wise philosopher of history, or student of social science, will also differentiate one community, or one group of communities from another. In fact, at every turn of original investigation into the condition of society as he finds it, and of states as they present themselves ready-made for his inspection and study, the historiographer, or the sociologist, is forced to establish and all along the line maintain close and reliable connection with the original sources of history, just as an invading army must establish and maintain connection with its base of supplies.

JOHNSON BRIGHAM

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DES MOINES

SOME PUBLICATIONS

The Second Bank of the United States. By RALPH C. H. CATTERALL. Chicago: The University of Chicago Press. 1903. Pp. xiv, 538.

Students of political and economic history have generally agreed that the failure to recharter the Second Bank of the United States was a serious mistake. The judgments of the student and of the man of public affairs may also coincide, but, even if they do, the bases of the two judgments are necessarily widely divergent. It is a violent tax upon the imagination to endeavor to conceive of Mr. Jackson as a student of history, politics, economics, or anything else. As a rule he did not possess one scintilla of accurate information upon any subject which he undertook to discuss. But Jackson was a man of practical affairs, and his opinions are entitled to respect on this basis. Unfortunately Jackson was the idolized leader of a vulgar and rampant democracy, flushed with victory and anxious to make use of the opportunity now offered for the first time. In spite of his rugged individuality Jackson was a creature of circumstances and the most interesting features of his administration are the points where he was compelled to offer reluctant testimony to this fact.

There were many who opposed the bank, some who supported it, very few who understood it and appreciated it. The presidential campaigns of 1832 and 1896 have many points in common. Even now it is doubtful whether a United States bank would receive support in a national referendum. It is easy to speak of Jackson's mistake, but the speaker would most likely follow in Jackson's footsteps if he were to try the experiment for himself under the same conditions.

Mr. Catterall's book on *The Second Bank of the United States* is eminently just in its treatment of Jackson in the light of his environ-

ment. The author believes, as all students believe, that Jackson made a mistake, but he does what never has been done before, he explains Jackson's mistake. The volume is a rare combination of the student's views with a most delicate appreciation of the circumstances of the time under discussion. Jackson was, even more than Jefferson, strongly predisposed to entertain feelings of violent animosity toward anything which he could not understand. It is Mr. Catterall's opinion that Jackson was hostile to the bank from the very start, and that the well known occurrences, which are so often recited as the original causes of Jackson's anti-bank feeling, simply contributed to develop a feeling already in existence. The democracy was opposed to the bank. Jackson was the leader of this democracy. The impulses of the mob coincided with the predilections of the President. Hence the war on the bank. This war may have been a blunder, but it was under the circumstances of the time inevitable.

Mr. Catterall's volume is the first real history of the bank. The need of such a volume was great, the opportunity presented itself, and the man was not lacking. It is seldom that the opportunity and the man are in such happy accord. The book is full of the marks of superior scholarship, but nowhere is the evidence of the capacity for original research more clearly shown than in the treatment of Nicholas Biddle's letters and official papers which, for the most part, see the light for the first time in this volume. Much light is thrown upon the history of the bank, but it is not flashed in the eyes of the reader in the offensive manner only too common among some, who mar their discovery of real truth by the unpleasant panorama of the discoverer.

Another feature of the work, which is especially noteworthy, is the fact that the author is equally at home in the realms of political history and economics. The author has mastered the principles of public finance. The chapters which deal with the technicalities of the bank are fully up to the high level of the chapters on the bank's political history. This feature is more exceptional than it ought to

be. There is still something to be said for the old-fashioned combination of history and economics.

The volume shows the results of the most painstaking research. Still more does it show the capacity to make judicious use of such results. The author was gradually bringing this work to completion during a period of nearly ten years. The final outcome is a new departure in the study of the Jacksonian period in United States history. A new view is given of the mutual relations of Jackson, Biddle, and Clay.

The general effect of the volume is greatly enhanced by a good index, by a bibliography which, in spite of its disclaimer of completeness, is far more exhaustive than any other on this period, and by foot notes so full and frequent that the reader is able, if he so wishes, to follow every step which the author has taken. The press work on the volume is highly satisfactory. It is seldom that a volume appears, among the numerous contributions to American history, which exhibits so many points of excellence and so few defects.

William Craig Wilcox

The State University of Iowa
Iowa City

A Beautiful Life and its Associations. By Anna Howell Clarkson. Illustrated. Autograph Edition. New York: Under the auspices of the Historical Department of Iowa. 1903. Pp. 217.

This is a story of a rarely interesting personality. The subject, Mrs. Drusilla Allen Stoddard, was born eighty-two years ago in Western New York, and grew to womanhood under pioneer conditions. These developed in her resourcefulness and self-reliance, and with her heritage of good ancestry, good health, and keen intellect made her the power for good which she has been and still is in the world. Her final training in Mrs. Willard's famous school for girls at Troy was followed by her marriage in 1847 to the Rev. Ira Joy Stoddard and departure with him to their mission field in India. Of

their successful work there, this short notice cannot speak. Because of Mr. Stoddard's ill health, they came back with their three children nine years later, and soon after—in 1858—Mrs. Stoddard was called to the principalship of the Ladies' Department of the newly organized Central College at Pella, Iowa. This is a Baptist school—one of the oldest denominational schools in the State—and to this faith —her husband's—Mrs. Stoddard was converted, though born and brought up a Quaker. Here she labored for nearly twenty years except when, in 1866, Mr. Stoddard's health being reëstablished, the call of India was too strong to be resisted and they went back for three years more.

Returning, she took up her college work again. She taught—and she was a most admirable teacher—but the greater value of her work lay in what she was, in every way, to "my girls," as she fondly called them. Coming, as many of them did, from country or small village homes and narrow circumstances, this cultivated, gracious woman was a revelation to them. Health, morals, manners, religious training, all came within her province, and scores of letters from former pupils bear grateful testimony to what they gained from her care. Nor from girls alone. Men of high station write from various parts of the country in appreciation of her work in the class room and of the charming hospitality of her home.

Mrs. Clarkson has given a most life-like portrayal of Mrs. Stoddard's character and work, and her book is further enriched by sketches of the other women and men whose self-sacrificing labors made Central College what it is. The roll is too long to be called here, but their names live in the hearts of the men and women they trained. And in these days of ready-made universities and million (or more) dollar donations to them one wonders if, after all, there isn't much to be said in favor of the small colleges whose beginning and growth through prayer and toil and sacrifice impress upon their pupils the feeling that these, more than money, are the true values.

Celia A. M. Currier

Iowa City, Iowa

Actual Government as Applied under American Conditions. By Albert Bushnell Hart. New York: Longmans, Green & Co. 1903. Pp. xliv, 599.

This is, perhaps, the best general work on American government which has appeared since James Bryce wrote *The American Commonwealth.* It is quite readable; but one does not get the impression that its pages are simply printed "talks" or reprinted magazine essays. It is filled with details and statistics; and yet it does not read like an encyclopedia of political facts or the report of a government bureau. It contains hundreds of references without being a bibliographical wilderness. Although the volume is designed by its author as a text for upper high-schools and colleges, it is certainly more than a "text-book." It is a plain, simple, coherent description of both the organization and the functions of American government.

Perhaps the most questionable statement in the whole book is where the author, in the opening sentence of the preface, remarks generously enough that there are already "many clear, well-thought, and accurate text-books upon the government of the United States."

In writing *Actual Government* Professor Hart has five points of view which are clearly set out in the preface. "First of all, the American governmental system should be treated as a whole: state government and the various phases of local government should come in, not as after thoughts to the national system, but as integral parts of one American government. The second necessity is to study the actual workings of government: the text of constitutions and of statutes is only the enveloping husk; the real kernel is that personal interest and personal action which vitalizes the government..... In the third place, a thorough text-book must discuss not only the machinery of government but the operations of government; legislatures do not exist simply to be investigated by students, but to express the public will that things be done; the functions of government—such as the administration of justice, taxation, expenditure, transportation, the maintenance of order—are more important than the details of governmental organization. In the fourth

place the historical part of the book is not separated out from the descriptive." Finally, Prof. Hart deems it proper "to prefix a bibliography of the subject, as well as to insert classified references at the heads of the chapters."

BENJ. F. SHAMBAUGH

THE STATE UNIVERSITY OF IOWA
IOWA CITY

The Organization and Control of Industrial Corporations. By FRANK EDWARD HORACK. Philadelphia: C. F. Taylor. Equity Series Vol. V, No. 4. University Edition, January, 1903. Regular Edition, July, 1903. Pp. 207.

Probably no subject before the American people today is receiving more discussion combined with as little clearness and understanding as the subject of industrial corporations. As the author suggests this is because these corporations affect us so vitally in their every action and because their life as it exists at the present time is so shielded by secrecy of administration. A necessity to the development of our economic life, they have been granted every freedom only to become a menace and peril. The recognition of the menace on the part of the people and the readiness with which the political parties have taken up the subject endangers the cool study and settlement of the question; and in view of this fact the present study is is the more interesting.

Dr. Horack has very wisely limited himself to the legal and political phase of his study. It has been merely "to ascertain if the cry of 'more publicity' is warranted by the facts." A summary of the chapters will perhaps show how well he has followed his purpose. The introduction deals with the nature of a corporation and with the source and development of corporation law. Chapter two compares the various States with reference to the publicity and control of the organization of corporations. Chapter three deals exclusively with publicity, examines into its nature and content, discusses public and private publicity and draws some interesting comparisons by referring

to publicity in England, France, and Germany. Chapter four, on the nature and status of foreign corporations gets to the heart of the matter by pointing out the fact that comparatively few corporations do business exclusively in the State in which they are organized, and very many, in fact the great majority, do no business in their own State. The necessary evils resulting from such impossibility to control and the competition on the part of States to secure the revenue from such organizations should become as notorious as the North Dakota divorce laws. In chapter five, the author occupies only six pages in drawing up his conclusions which are moderate and modestly, if decisively, stated.

Dr. Horack contends "that the present industrial development has outgrown the legislation enacted for its regulation when industries were comparatively localized and that the granting of charters 'for revenue only' has not been and can not be productive of a sound legal system. More publicity of organization and management is necessary," and such publicity can best be secured by legislation which shall "be national in extent and uniform throughout the United States. This can be obtained and made efficient only by giving Congress power to create and dissolve corporations carrying on interstate trade, commerce or business." The State, if it stands true to its real end, must look out for the welfare of its people, and in so doing must insist that all fraudulent organizations be brought to account. The impossibility of our States to secure protection against corporations imposes upon the United States the great fundamental duty, and if our Constitution does not grant Congress such power, it ought so to do.

The book is a timely product of fertile thought produced by a careful and long continued study of a subject difficult to handle, and is to be commended for its simplicity and directness and for its practical method of attacking the question.

HARRY G. PLUM

THE STATE UNIVERSITY OF IOWA
IOWA CITY

Proceedings of the Iowa Park and Forestry Association. Second Annual Meeting, Des Moines, Iowa. December 8, 9, 10, 1902. Iowa City, Iowa: Published by the Association. 1903. Pp. xv, 143.

So runs the title page of a unique publication just from the press. A cursory glance through its pages reveals much interesting matter which readily fascinates the reader who is in any way enthusiastic about trees, shrubs, or flowers.

On November 16, 1901, fourteen kindred spirits met at Ames and perfected an organization to be known as The Iowa Park and Forestry Association. The objects of such association as stated in the constitution then adopted were: "to create an interest in, and to encourage the establishment of parks; the beautifying of our cities, the better care of cemeteries, the planting of trees in country homes for æsthetic purposes as well as for the supply of timber for commerce; the proper utilization of our remaining timber, and to assist in the inauguration of rational methods of forest management and thus help in the protection of our wild game and song birds; the creation of one or more State parks in the vicinity of our lakes and streams; to encourage State and national legislation for rational forest management, and the creation of more forest reserves." The first officers were Prof. T. H. Macbride, president; Wesley Greene, vice-president; Prof. L. H. Pammel, secretary; Silas Wilson, treasurer; and C. A. Mosier, Prof. H. C. Price, and Geo. H. Van Houten members of the executive board. The other charter members were J. L. Budd, A. T. Erwin, A. Hoffman, E. E. Little, G. F. Parker, J. Sexton, and W. F. Thompson. The next meeting which is known as the first annual meeting was held at Des Moines, December 10 and 11, 1901, when the membership was more than doubled. The papers presented at this meeting were published in a neat illustrated pamphlet of 80 pages.

In the volume of the proceedings of the second annual meeting Prof. Macbride in his presidential address felicitates on the present status of Iowa parks; Prof. Pammel writes on the progress of for-

estry in the United States during the past year; H. C. Price gives his idea on forestry and its effect on western climate; Prof. J. B. Weems investigated dendro-chemistry; E. R. Hodson writes instructively on the farm wood-lot; A. T. Erwin idealizes on evergreens for wind-breaks; Wm. H. Mast notes the progress of forestry and the work of the bureau in Iowa; Franklin Brown gives the advantages of the soft maple for the farmer's wood-lot; C. A. Mosier shows his enthusiasm for trees and notes with displeasure the passing of the forests and the past poor policy of the government; Elmer M. Reeves studies the red cedar; J. C. Blumer gives the experience of the government in forest planting in the sandhills of Nebraska; Prof. B. Shimek contributes an entertaining article on the Iowa oaks; Eugene Secor gives a readable article on one of Iowa's beauty spots, a noted landscape view near Forest City, Iowa; Charlotte M. King states what ought to be done in forest preservation in Iowa; Frank H. Nutter gives directions for parks and public grounds for small cities; G. H. Van Houten writes on community and individual effort in tree planting; Henry Lau entertains us with hardy shrubs and herbaceous plants; D. L. Sheldon gives civic improvement for small cities; J. T. D. Fulmer gives a short essay on city parks; Albert Duebendorfer contrasts the elm and other shade trees; E. E. Little shows the advantages of the beautifying and utilizing of railroad grounds; and W. A. Burnap closes with sensible advice on street trees and parkings.

The book is well edited, the articles are all good, the paper and press work, save the illustrations, some of which are not clear, are all that need be desired. The publication as a whole reflects credit upon the organization which sends it forth.

T. J. Fitzpatrick

Iowa City, Iowa

The Political Ideas of Modern Japan. By KARL KIYOSHI KAWAKAMI. Iowa City: The University of Iowa Press. 1903. Studies in Sociology, Economics, Politics, and History. Vol. II, No. 2. Pp. 208.

Mr. Kawakami's study of the *Political Ideas of Modern Japan* was prepared and submitted as a master's thesis in the Department of Political Science of the State University of Iowa during his incumbency of a fellowship in the Iowa School of Political and Social Science in the academic year 1901–02. It may safely be recommended to the general reader as well as to the special student as an attractive and original presentation of the manner in which "western political ideas have been developed in Japan, what ideas have been accepted, modified, discarded, or misunderstood, and whether these ideas have had a wholesome or unwholesome growth" (Preface, p. vi).

In sketching the origin of the Japanese nation Mr. Kawakami ventures to state some reasons for believing that the Japanese people have an intermixture of Aryan blood. He maintains, however, that the Japanese are predominantly oriental and that they are destined to be the dominant power in the forward movement of the Orient. The author is particularly happy in his lucid explanation of the contact of the eastern mind with western thought and his clear-sighted delineation of the influence of religions upon the development of political ideas in Japan.

This study has secured the distinction of being reprinted in Japan within four months after its publication by the State University of Iowa. The Japanese edition, which contains an "editor's note" by Isoh Yamagata, is published at Tokyo by the proprietor of the *Shokwabo.*

ISAAC A. LOOS

THE STATE UNIVERSITY OF IOWA
IOWA CITY

Early Political Machinery in the United States. By GEORGE D. LUETSCHER. Philadelphia. 1903. Pp. 160.

This very interesting and valuable monograph was presented to the faculty of Philosophy of the University of Pennsylvania in partial fulfillment of the requirements of that University for the degree of Doctor of Philosophy. Through its publication Dr. Luetscher has made a valuable contribution to the early history of political parties in the United States. Dealing with the period of their organization at the close of Washington's administration, when property qualifications for suffrage disfranchised more than one-half of the male population above twenty-one years of age, he carefully traces the abolition of these qualifications, the formation of new election districts, and the consequent increase in the ballots cast.

The origin and workings of the Democratic societies as an opposition party to the Federalists is perhaps the most interesting chapter. Dr. Luetscher's thesis deals with a subject that is most difficult to treat for the period covered. The paucity of material, such as official election returns, has given the author the laborious task of searching the newspaper files of this period. Four well constructed maps giving a graphic representation of the encroachment of the Republican party upon the Federal area from 1788 to 1804 add much to the value of the monograph.

FRANK EDWARD HORACK

THE STATE UNIVERSITY OF IOWA
IOWA CITY

Democracy and the Organization of Political Parties. By M. OSTROGORSKI. Translated from the French by Frederick Clarke. Preface by the Right Honorable James Bryce. New York: The Macmillan Co. 1902. Vols. I, II. Pp. lviii, xliii, 627, 793.

It is clearly evident that the emphasis in the study of what James Bryce says "is beginning to be called political science" has shifted from a consideration of the *organization* of government to a dis-

cussion of the *administration* and the actual *workings* of government. Thus, the study of this new science of Politics enters upon a third stage of development.

The first stage was characterized by the predominance of the historical. Indeed so strongly was the emphasis placed upon the history of government by such men as Freeman, Stubbs, and Seeley, that the motto of students of political science for a time was: "History is past Politics, and Politics is present History."

The history of government proved to be a fertile field for political investigation. Nevertheless it was not long before the chief interest in the study of Political Science shifted from the *history* of government to the *organization* of government. The study of political organization through Comparative Constitutional Law represents the second stage in the recent development of Political Science. Burgess, Boutmy, Dicey, and Cooley are typical exponents of this second stage. To the third stage, which is characterized by literature on *administration* and *political parties*, belongs the work of M. Ostrogorski.

Democracy and Political Parties is a work to which M. Ostrogorski has devoted fifteen years of labor. In his research he did not avoid libraries and ignore the documents, but owing to the nature of the investigation he gathered the greater part of his materials from real life. Here he investigated minutely the workings of democratic government. It is upon political forces rather than upon political forms that he dwells throughout the two volumes; and he is convinced that "the best way to study political forces is to study political methods." He says that to really understand the character of social action, its modes of procedure must be studied in the light of the character of those who apply them, and of the social and political conditions in which their wills are formed and manifested. It is only in this sense that the investigation of political methods will have, in addition to a philosophical value, a genuine practical value. It is a study of the methods of democratic government conceived in this spirit, a study of social and political psychology, based on

observation, that I have tried to undertake, and it is that which is the aim of this book."

M. Ostrogorski's field of observation is England and the United States. And so volume one is devoted to political parties in England, while volume two considers American phenomena. In his preface Mr. Bryce mildly protests against the gloom with which the author depicts the "Caucus" in England. It remains for American students to enter a similar protest against the unquestionable pessimism which fills the second volume. But it must be said that, notwithstanding his gloomy picture, M. Ostrogorski has given us a singularly careful and intelligent account of our political methods.

This work on *Democracy and Political Parties* is one that should be found in every library which aims to collect political literature. For students of political parties it is the most valuable book which has yet appeared. It has throughout a tone of moral earnestness which adds not a little to its merits.

Benj. F. Shambaugh

The State University of Iowa
Iowa City

Campaigns and Battles of the Twelfth Regiment Iowa Veteran Volunteer Infantry, from Organization, September, 1861, to Muster-out, January 20, 1866. By Major David W. Reed. Evanston, Ill.

The author of this life of a regiment, covering more than four years of active service in the Civil War, is fortunate in having been, from beginning to end, part of that life. He is further fortunate in having been, for several years past, Secretary of the Shiloh National Military Park Commission, which has put him in close touch with prominent military men on both sides and has given him free access to official records.

The author's style is strictly narrative but with sufficient "incident" to fix attention and enliven the story. Official documents are used sparingly but sufficiently. Fifty pages are given to the battle

of Shiloh, for the purpose of correcting history and doing justice to men and regiments, suffering for more than forty years the injustice of misrepresentation and falsehood. There is extant but one other as full and complete account of that important battle as is given in this history, and that account, just published by the Government, is by the same author under the title, *The Battle of Shiloh and the Organizations Engaged.* Major Reed is the best living authority on that battle.

Another important battle fully described is that of Nashville, in which the Twelfth took an active part, though it went into the fight without a single commissioned company officer in command. Every company was commanded by the ranking sergeant.

The author tells us that the Twelfth threw away its knapsacks within a month after going into the field, and that it was ever after in "light marching order;" that it was never called upon to do garrison duty or provost-guard duty; that it never had a dress coat on its back or white gloves on its hands—its "best" coat was the regulation "fatigue blouse." As a specimen of active service, it is stated that the regiment, in two and one-half months, in 1864, covered by steamboat 722 miles, by rail 50 miles, and in marching 950 miles. On election day of that year (Nov. 8, 1864) the regiment waded Osage river, in Missouri, waist-deep in ice-cold water, then halted upon the bank to vote for President of the United States. There were cast 210 votes—Lincoln, 190; McClellan, 20.

The regiment has to its credit seventeen pitched battles and twelve skirmishes, and it was never repulsed. The story of its life is plainly but simply and admirably told, though the work is marred by poor proof-reading. There are two elaborate maps of the field of Shiloh and several illustrations.

The edition is limited to 500 copies, is not copyrighted, is privately printed, and is sold at the actual cost of printing ($2.00).

Joseph W. Rich

Iowa City, Iowa

NOTES AND COMMENT

In September (1903) the *Twenty-fourth Biennial Report of the State Historical Society of Iowa* was submitted to the Governor of the State. This report contains: (1) an historical sketch of the Society; (2) a statement relative to the organization of the Society; (3) the names of the officers and members; (4) a financial statement; (5) an account of publications; (6) a statement relative to the library; and (7) recommendations for additional support. The whole report will be printed by the State, and in due time may be found in the series of legislative documents for 1904.

Mr. Harold M. Bowman, writer of the article contained in this number of THE IOWA JOURNAL OF HISTORY AND POLITICS on *Problems in the Administration of Iowa* is the author of a monograph entitled *The Administration of Iowa, A Study in Centralization.* The problems cursorily reviewed in the article, and others, are examined in detail in the monograph, where full references to sources are given. A number of practical suggestions for alteration in administrative organization and practice are also incorporated. The Macmillan Company, New York, announce that the monograph will be published in October, as Number 1 of Volume XVIII of the *Columbia Studies in History, Economics, and Public Law.* Copies are to be obtained from the Macmillan Company, or from Professor E. R. A. Seligman, Columbia University, New York.

The fourth volume of *The Messages and Proclamations of the Governors of Iowa*, which has just been issued by the State Historical Society of Iowa, contains the messages and proclamations of Governor Cyrus Clay Carpenter (1872–1876), Governor Samuel Jordan Kirkwood (third term, 1876–1877), and Governor Joshua Giddings Newbold (1877–1878). This volume contains about four hundred pages.

The fifth volume of *The Messages and Proclamations of the Governors of Iowa*, which is now in press, will cover the administrations of John Henry Gear and Buren R. Sherman. The volume will appear in December, 1903.

A very commendable undertaking is the Semi-Centennial Anniversary of the Founding of Grinnell (Iowa), which is to be celebrated on May 18, 1904. Appropriate exercises have been arranged for that day. The whole matter is in the hands of a general committee, which has held several meetings and adopted general plans. Among other things, the committee has named persons to prepare papers on the different phases of the local history of the town of Grinnell. These papers are to be permanently preserved as historical records in the Stewart library. It is hoped that other towns and cities will follow the example of Grinnell.

Dr. Duren J. H. Ward has recently investigated a number of Iowa mounds. Some of the results of his work will probably be published in the January, 1904, number of the Iowa Journal of History and Politics.

In an editorial in the March–April, 1903, *American Antiquarian* an attempt is made "to so describe the relics which have been discovered in the various portions of the Mississippi Valley, that the reader may discover the unity and diversity which has prevailed among the prehistoric populations, and gain a picture of the condition of each particular district in prehistoric times."

The program for 1903–1904 of the Pilgrim Chapter (Iowa City, Iowa) of the Daughters of the American Revolution contains a lecture on *Early Iowa*.

Chapter "E" of the P. E. O. (Iowa City, Iowa) has arranged a program of *Studies in the History of Iowa*. The titles of the papers as announced on the printed program for 1903–1904 are as follows: (1) Life Among the Pioneers; (2) The Claim Laws; (3) The Territorial

Governors; (4) The Constitutions of 1844–46, and Admission into the Union; (5) The Capitals of Iowa; (6) James Wilson Grimes, the Opponent of Slavery; (7) Samuel Jordan Kirkwood, the War Governor; (8) Iowa Indians; (9) Black Hawk and Keokuk; (10) the Spirit Lake Massacre; (11) The Indian Reservation at Tama; (12) Old John Brown in Iowa; (13) The Iowa Band; (14) The Mormons in Iowa; (15) The Colonies of Iowa; (16) Iowa's Contribution to Literature; (17) Iowa's Contribution to Art; (18) Iowa of To-day. At the opening meeting on September 25, Dr. B. F. Shambaugh gave an address on *The Opening of Iowa.*

The legislature of the State of Missouri appropriated $5,000 for the use of the State Historical Society of Missouri for the current biennial period.

The Proceedings of the New Hampshire Historical Society, from June 1899 to June 1902, being Pt. I of Vol. IV of the series, has recently been published and distributed by the Society. The chief contributions in this part are: (1) *The Capture of Fort William and Mary*, by Prof. Charles L. Parsons; (2) *The Life and Character of Bishop Carlton Chase*, by the Rt. Rev. W. W. Niles; (3) *Nathan Lord*, by Professor John K. Lord; (4) *The Scotch-Irish and Irish Presbyterian Settlers of New Hampshire*, by Hon. Gordon Woodbury.

It is gratifying to learn that the Abigail Adams Chapter of the Daughters of the American Revolution has decided to devote the year to marking the site of the old Ft. Des Moines.

"The old pioneer days are gone, with their roughness and their hardship, their incredible toil and their wild half-savage romance. But the need for the pioneer virtues remains the same as ever. The peculiar frontier conditions have vanished; but the manliness and stalwart hardihood of the frontiersmen can be given even freer scope under the conditions surrounding the complex industrialism of the present day."—Pres. Roosevelt in St. Louis address, April 30, 1903.

At the encampment of the Iowa Department of the Grand Army of the Republic, which was held at Cedar Rapids in May, 1903, the following were among the resolutions passed:

That we commend to the Governor and General Assembly of Iowa and to our delegation in Congress, the justice of placing at an early date suitable memorial statues of Iowa's colossal old war Governor, Samuel J. Kirkwood, in the capitols at Des Moines and Washington.

That a committee on legislation be appointed by this department to secure the early adoption of a law providing for the preparation and publication of a complete and permanent personal register, by military organizations, of all Iowa soldiers in the Civil War, also of all other resident veterans, and such other legislation as will give veterans preferred rights in official positions, and secure justice to all survivors of the great war, and promote the interests of this department.

Six lectures on *The Industrial Revolution* have been scheduled for the extension course at Cedar Rapids, Iowa, for January and February, 1904. The lectures will be given by Professor Isaac A. Loos who is a member of the Board of Curators and Vice-President of the State Historical Society of Iowa.

Professor Jesse Macy of Iowa College, Grinnell, Iowa, has been granted a leave of absence and will spend the year in Washington, D. C.

A *Beardshear Memorial Volume* has been announced. The object of the committee having charge of the volume is to produce a book which will contain some of the best things which the late Dr. Beardshear, President of the State Agricultural College at Ames, Iowa, produced during his active career in Iowa. Subscribers will be charged one dollar for the volume. Mr. Herman Knapp, Ames, Iowa, has charge of the subscription list.

The Ohio State Archæological and Historical Society has recently issued an index "supplement to vol. xi," which covers the subjects and contents of the first ten volumes of the "annual publications" of the Society and the July and October numbers of the *Ohio Archæological and Historical Quarterly.*

To the April number of the *Iowa Medical Journal*, Professor F. I. Herriott contributed an article on *Death Returns in Iowa's Cities and the Profession.* This was followed in the May and April numbers by articles on *Vital Statistics.*

The State Historical Society of Iowa has received from Mr. J. W. Dean, of Chapel Hill, Missouri, files of New York and Missouri newspapers of the early part of the 19th century.

In the *Annals of Iowa* for April, 1903, there are two interesting articles which contain reminiscences of pioneer life. These are *Coming into Iowa in 1837*, by George C. Duffield, and *Pioneer Protection from Horse Thieves*, by James E. Parker. *An Iowa Fugitive Slave Case* is a reprint of a pamphlet published by George Frazee. It contains a full report of a fugitive slave case which was heard and decided in the District Court of the United States for the southern district of Iowa in 1850. The July *Annals* contains an article by Charles A. Clark on *Indians of Iowa*, an account of the *Icarian Community*, by Charles Gray, a biographical sketch of the Rev. J. A. M. Pelamourgues, by Rev. J. F. Kempker, and a discussion of *Publicity in our Local Finance*, by Dr. F. I. Herriott.

A valuable contribution to State history is Dr. Charles Clinton Weaver's monograph on *Internal Improvements in North Carolina Previous to 1860*, which appears as numbers 3 and 4 of Series XXI of the *John Hopkins University Studies in Historical and Political Science.*

Several important additions have recently been made to the library of the State Historical Society of Iowa. Among the most valuable are 294 volumes of laws of the Northwest Territory, Ohio, Michigan, and Indiana. Other accessions are State publications of Pennsylvania and Alabama received from the Pennsylvania State Library and the Alabama Department of Archives and History, and 92 volumes of Ohio State publications.

An unusually interesting and valuable article on *Chancellor Kent* appears in the April number of the *Columbia Law Review.* The

author of this article is John F. Dillon, formerly of the Iowa bar and at one time Chief Justice of the Supreme Court of Iowa. In comparing Kent and Marshall the author says:

"The two great figures eminent over all in our early constitutional, judicial and legal history are those of John Marshall and James Kent. I said early history, and this is true; and it is largely true that their pre-eminence remains down to the present:.

Chancellor Kent has as strong a title as Chief Justice Marshall to the profes sional and public regard, gratitude and veneration for his genius, character and labors. Marshall's field was the development of the Constitution of the United States; Kent's was the field of general jurisprudence, and in this he rendered services, throughout a judicial career extending from 1798 to 1823, which are inferior in value and importance to Marshall's only, if at all, because the development and adaptation of the system of jurisprudence from the English principles and models may be regarded as less vital and important than the work of expounding and developing the principles of the Constitution of the Union."

Professor W. C. Wilcox, member of the Board of Curators of the State Historical Society of Iowa, is scheduled to give university extension lectures as follows: *The Six Great Powers and the Eastern Question*, Clear Lake, Iowa, Oct. 2, 1903; *The Possible Solutions of the Eastern Question*, Clear Lake, Iowa, Oct. 16, 1903; *The Struggle for Race Supremacy*, Garner, Iowa, Oct. 3, 1903; *The Crisis in the Inevitable Conflict*, Garner, Iowa, Oct. 15, 1903; *The Manifest Destiny of the United States*, Marshalltown, Iowa, Dec. 10, 1903; *Henry Clay, the Leader of the Whig Party*, Morrison, Ill., Oct. 9, 1903; *Daniel Webster, the Expounder of the Constitution*, Morrison, Ill., Oct. 23, 1903; *Stephen A. Douglas, the Advocate of Squatter Sovereignty*, Morrison, Ill., Nov. 6, 1903; *Horace Greeley, the Prince of American Journalism*, Morrison, Ill., Nov. 20, 1903; *Samuel J. Tilden, the Statesman of the Democratic Party*, Morrison, Ill., Dec. 4, 1903; *James G. Blaine, the Statesman of the Republican Party*, Morrison, Ill, Dec. 18, 1903; *The History of the Eastern Question*, Davenport, Iowa, Oct. 10, 1903; *The Eastern Question in Europe*, Davenport, Iowa, Oct. 24, 1903; *The Eastern Question in Asia*, Davenport, Iowa, Nov. 7, 1903; *The Eastern Question in Africa*,

Davenport, Iowa, Nov. 21, 1903; *The Six Great Powers and the Eastern Question*, Davenport, Iowa, Dec. 5, 1903; *The Possible Solutions of the Eastern Question*, Davenport, Iowa, Dec. 19, 1903.

The Work of the State Historical Society of Iowa is the subject of a paper on the program of the Marshalltown meeting of the Iowa Library Association.

A contribution to comparative State legislation has recently appeared in a monograph on *The Organization and Control of Industrial Corporations* by Dr. F. E. Horack, the Secretary of the State Historical Society of Iowa.

In all probability there will be in connection with the Iowa exhibit at the St. Louis Exposition some representation of the contributions made by Iowa to local and State history. The Iowa Commission now have the matter under advisement.

Mr. Barry Gilbert, who has recently been appointed Professor of Law in the Law College of the State University of Iowa, was born in Cairo, Illinois, May 16, 1876. He is a graduate of both the College of Liberal Arts and the School of Law of Northwestern University; and he has practiced law in Cedar Rapids, Iowa. Mr. Gilbert has contributed the following articles: (1) *Law of the Independent Contractor in Illinois;* (2) *The Law of Track Elevation in Iowa;* and (3) *Right of Asylum in U. S. Legations.*

The grave of Timothy Brown, a soldier of the American Revolution, has recently been located at Washington, Iowa. The remains have been removed and are in the custody of "The Timothy Brown American Revolution Memorial Association." This memorial association now proposes to erect a suitable monument to the memory of the Revolution patriot. The work of marking the graves of soldiers of the Revolution buried in Iowa has been very much encouraged by the Sons of the American Revolution and by the Daughters of the American Revolution in the State.

D. Appleton & Co. have recently published a volume of 387 pages on *Trust Finance—a Study of the Genesis, Organization, and Management of Industrial Corporations.* The author is Dr. Edward S. Meade of the University of Pennsylvania.

During the biennial period from July 1, 1901, to June 30, 1903, approximately 4,149 volumes have been added to the library of the State Historical Society of Iowa. Of this number 3,484 were obtained through gift and exchange, and 665 through purchase.

Volume I of *Collections of the Illinois State Historical Library* has recently been issued by the Board of Trustees. The book, which is edited and annotated by Hiram W. Beckwith, President of the Board, contains documents and papers relative to the early history of Illinois and the Northwest.

Mr. T. J. Fitzpatrick has resigned his position in the Iowa City High School to accept the editorship of the *Estherville Enterprise.* His *Bibliography of the Scientific Literature of Iowa*, which will make a pamphlet of about 200 pages, will soon be published by the State Historical Society of Iowa.

On September 17, 1903, a monument, erected and dedicated to the memory of Charles Shepherd, a soldier of the Revolutionary War, was unveiled at Mt. Pleasant, Iowa. The inscription on the monument reads: "Charles Shepherd, a Soldier of the Revolution. Born Dec. 25, 1763. Died Sept. 1845. Served four years five and one-half months. Was in the Battles of Brandywine and Germantown. Was buried on the NE ¼ SE ¼ of Section 17, Twp. 72 N. R. 7 W. Erected by the State of Iowa aided by McFarland Post, G. A. R. and the D. A. R. Pro Patria Dulce Et Decorum Est." The special appropriation made by the Twenty-ninth General Assembly of Iowa for the purpose of erecting this monument amounted to five hundred dollars.

Miss Harriet Wood, a member of the State Historical Society of Iowa, has gone from the library of the State University of Iowa to Cedar Rapids, Iowa, to take charge of the public library at that place.

In his *Company B of Davenport* Mr. George Cram Cook has contributed an unusually interesting and readable volume of 142 pages. It was printed in 1899 for Company B by the Davenport Democrat Co., Davenport, Iowa.

The following letter by Abraham Lincoln, which was published for the first time in the January, 1903, number of the *Pennsylvania Magazine*, has an interesting bearing upon the political history of Iowa.

HENRY O'CONNER, ESQ., SPRINGFIELD, Sept. 14, 1856.
Muscatine, Iowa.

Dear Sir:

Yours, inviting me to attend a mass meeting on the 23rd inst is received. It would be very pleasant to shake hands with the Fremonters of Iowa, who have led the van so splendidly, in this grand charge which we hope and believe will end in a most glorious victory—All thanks, all honor to Iowa!! But Iowa is out of all danger, and it is no time for us, when the battle still rages, to pay holy-day visits to Iowa—I am sure you will excuse me for remaining in Illinois, where much hard work is still to be done— Yours very truly

A. LINCOLN.

The following is the letter of acceptance written by James W. Grimes on the occasion of his election to the office of President of the State Historical Society of Iowa in 1857. Mr. Grimes was the first President of this Society.

IOWA CITY, Feb. 28th, 1857.

My dear Sir:—

I have received your note informing me that I have been elected President of the Iowa State Historical Society.

I accept the position which the partiality of the Society has assigned to me.

It will be my pleasure, as I believe it will be my duty, to do whatever may be in my power to promote the objects of the association.

Your obdt servt

REV. C. BILLINGS SMITH JAMES W. GRIMES.
Secty. &c

CONTRIBUTORS

HAROLD MARTIN BOWMAN. Member of the bar. Born in Des Moines, Iowa, January 17, 1876. From the University of Michigan he received the degree LL. B. in 1899, and A. M. in 1901. During the year 1902–1903 he was University Fellow in Administrative Law at Columbia University, New York. Author of *Iowa Board of Control*, and *The Administration of Iowa, A Study in Centralization.* Compiler, for the Interstate Commerce Commission, of *A Twelve-Year Survey of State Railroad Taxation.*

EMLIN MCCLAIN. One of the Justices of the Supreme Court of Iowa. Born in Salem, Ohio, November 26, 1851. Graduated from the State University of Iowa. He was Chancellor of the Law Department of the State University of Iowa from 1890 to 1901. Author of *Digest of Iowa Reports; Annotated Code and Statutes of Iowa* (1888); *Criminal Law; Cases on the Law of Carriers; Cases on Constitutional Law; Article on Carriers in Cyclopedia of Law and Procedure; etc.*

JOHN W. GANNAWAY. Fellow in Political Science, University of Wisconsin, Madison. Born at Pleasant Grove in Des Moines County, Iowa, in 1877. Graduated from Iowa College in 1902. Received the degree of Master of Arts from Iowa College in 1903.

JOHNSON BRIGHAM. State Librarian for Iowa. Des Moines. (See IOWA JOURNAL OF HISTORY AND POLITICS for Jan., 1903).

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TO THE

IOWA JOURNAL OF HISTORY AND POLITICS

VOLUME ONE

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